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H A N S A R D
REFERENCES
TO
PENITENTIARIES.

YEARS 1925—1932.

1-339





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J. C. McRuer, Esq., K.C.

March 3, 1925.

QUESTIONS.

STONY MOUNTAIN PENITENTIARY.

Mr. Arthurs:

1. Has Arthur Guest been appointed either temporary or permanent, as steward at the Stony Mountain Penitentiary?
2. If so, on whose recommendation was the appointment made?
3. If so, was the position advertised in the usual way, and was the Civil Service Commission consulted about the appointment?

Hon. Mr. Lapointe:

1. Yes, permanently appointed.
2. and 3. The position was advertised in the usual way and the appointment made by the Civil Service Commission.

(PP 749)

Washington, D.C.

June 1, 1936

MEMORANDUM FOR THE RECORD

TO: Mr. Tolson

1. The following information was received from the Bureau of Investigation on June 1, 1936:

On June 1, 1936, the Bureau of Investigation received information from the Bureau of the Federal Reserve Bank of New York that the following information was received from the Bureau of the Federal Reserve Bank of New York:

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Respectfully,
Special Agent in Charge

John Edgar Hoover

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(99 144)

March 18, 1925.

Miss Macphail moves, seconded by Mr. Shaw;

That, in the opinion of this House, it is desirable in the administration of penitentiaries to provide:-

1. Sufficient productive work to keep the inmates employed.
2. That a share of the proceeds go to provide for dependents and in case of no dependents such share shall be held in trust until release.

(Miss Macphail)

It is my desire in this resolution to so amend the administration of penitentiaries as to provide: First, sufficient productive work to keep the inmates employed; and, second, that a share of the proceeds go to dependents, and in case of no dependents such share to be held in trust until release.

A very great change has come about in public opinion regarding penitentiaries, their use and administration, yet the Penitentiary Act to-day does not substantially differ from that passed 1868. This was the conclusion reached by the Committee of three appointed by the Right Hon. C. J. Doherty, Minister of Justice, to advise upon the revision of penitentiary regulations and amendment of the Penitentiary Act, which committee reported on February 28, 1921. It seems to me that penitentiaries should serve two purposes; First, to protect society by confining within their walls those who have proven anti-social in outlook and action; second, to remake men, changing anti-social into social beings, and thus protecting society and adding to the fullness and joy of life.

Productive work with pay I believe to be the chief remedy needed.

1264-1286

March 14, 1933.

Miss Asquith's letter, received by Mr. B. H. H.

last, in the opinion of the Commission, is in accordance with

the administration of the General Land Office.

I. Subsequent to the above, the Commission has

considered.

R. There is a number of suggestions as to the

Commission and its work, and the Commission has

been asked to make a report.

(Miss Asquith)

It is my desire in this connection to say that the

administration of the General Land Office, and the

Commission have been asked to make a report, and the

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A very large number of suggestions have been

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March 18, 1925. (cont'd.)

Productive work with pay I believe to be the chief thing needed to make the penitentiaries what they really should be. We must recognize that the prisoner is the logical outcome of ignorance and wrong thinking. We should therefore treat him as a patient and not as a victim. I believe that the state should be above vengeance. That opinion is held by eminent men who have had years of experience in dealing with prisoners and in penitentiary work. Thomas Mott Osborn, former warden of the Sing Sing penitentiary, speaking recently in Montreal, is reported in the Montreal Gazette of Wednesday, February 18, 1925, to have said that:

In his opinion the principle of deterrent by fair treatment of the prisoner was the only principle of use in a penal institution. He thought that the great punishment that comes to a prisoner is the loss of his liberty and the stamp of society's disapproval. Retaliation by the state he condemned.

In the report to which I have already referred, made under the administration of the Right Hon. C. J. Doherty by a commission composed of Mr. Biggar, Mr. Nickle, and Mr. Draper, it is stated:

It is necessary to eliminate wholly the idea of vengeance, not on humanitarian grounds or because of its painful consequences to the individual, but solely because of its stupidity and on grounds of common sense.

And again:

Almost all the inmates of the penitentiaries must, before they die, be returned to freedom, and each prisoner on his release shall be called upon to live the ordinary life of a free man. Society must inevitably suffer if during his term a convict's spirit has been broken, if his habit of industry, if it existed, has been suppressed, and to the extent that his morals have

been corrupted by prison association. It is ridiculous that society should store up trouble for its honest members, weaken itself and involve itself in large and unnecessary expenditure.

That is the conclusion reached by the three gentlemen composing the commission. To that, may be added the testimony of very many eminent citizens of the United States. I shall give only a few. William H. Moyer, reporting on prison discipline to the Prisons Association of all the states of the Union held in New York in 1919, said:

It is now pretty generally conceded that one of the primary objects of imprisonment is reformation of the individual. If it is to succeed he must receive training ~~instead~~ of discipline, a careful and effective preparation for right living after release and the imprinting of an earnest and an honest desire to become a useful and law-abiding citizen. If we could more fully understand that the trouble in most cases is due largely to the lack of proper early training along right lines, we could more readily appreciate that what the offender needs is training not punishment for the lack of it.

Brigadier-General Hughes, Superintendent of Penitentiaries in Canada, in a letter to Tom Moore, president of the Trades and Labour Council of Canada, said:

From crude, crooked and waste materials the task of the penitentiaries is to turn out as their product good citizens.

The Prisoners' Welfare Association of Canada, through their secretary, John Kidman, believe similarly that we should try to reclaim the prisoner rather than punish him.

Again, General Hughes in his report of 1921, says:

March 18, 1925. (cont'd.)

It has also been demonstrated that seldom is a conversion to virtue obtained through punishment. Physical force can check or temporarily restrain various forms of evil, but usually at the cost of rendering them still more intense and permanent.

And again in his 1923 report he emphasized this by saying: I have looked in vain for one example of true conversion to virtue through punishment.

I believe that in order to make good citizens in our penitentiaries we must have productive work, and that that work, when well done, should be rewarded. This is not a new thought; it too is held in common by the Superintendent of Penitentiaries for Canada, the wardens of the different penitentiaries and by the committee that reported in 1921. General Hughes in his report of 1921, page 15, says:

In order to make good citizens of the hundreds of young men now pouring into our penitentiaries, institutions should be provided for for their proper segregation and classification, together with suitable government work in sufficient quantities to keep them continually and usefully employed. It would be an easy matter in a very few years to make the penitentiaries not only self-sustaining but to pay each inmate a small wage for labour satisfactorily performed. Tremendous advancement has been made in the last two years, but it is only a beginning of what should be done.

Again he says:

Inmates must work if any progress is to be made toward making them better citizens. It is needless to attempt to reform them if they be kept in idleness or made break stones.

He stresses this over and over again, in sometimes quite strong language. He says:

Nothing ever written regarding the "stone pile" was to my mind

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March 18, 1925. (Cont'd.)

sufficiently severe and I never look at the men at this work that I do not wish I could place those responsible for the necessity of its existence in their places. It is a matter of choice between idleness and stone piles, the lesser of the two evils, the stone pile.

The exact recommendation in regard to work with pay, made by this committee of three, is as follows.

The committee, therefore, most emphatically recommends statutory provision to provide productive labour for all convicts.... The mere provision of work is not, in the opinion of the committee, sufficient. That the heaviest penalty for a crime is paid not by the criminal but by his dependents has been chiefly emphasized before the committee, not by philanthropists and charitable workers, but by judicial, police, and penitentiary officials of good standing.

Their conclusion is:

If anything but evil is to follow from punishment by imprisonment for long terms it is, in the opinion of the committee, essential that such provision should be made as will allow the convict to earn at least something toward the support of his dependents during his confinement or of himself after his release.

The Hon. Albert E. Smith, governor of the State of New York, addressing this same American Prisoners' Association in 1919, said, on October 20 of last year:

If the state is interested in returning the man or woman to society as useful citizens it will never be able to do it unless during the period of confinement their minds are occupied by what they are able to do in life. We all know what work means, what satisfaction it brings to a person at the close of a day to say, here is what I have accomplished today. That is true of people in prisons just as it is of individuals out in the world.

The first of these is the fact that the system is not a simple one. It is a complex system, and the complexity is not only in the number of components, but also in the way they are connected. The second is the fact that the system is not a static one. It is a dynamic system, and the dynamics are not only in the way the components interact, but also in the way the system evolves over time. The third is the fact that the system is not a linear one. It is a non-linear system, and the non-linearity is not only in the way the components interact, but also in the way the system evolves over time.

The fourth is the fact that the system is not a deterministic one. It is a stochastic system, and the stochasticity is not only in the way the components interact, but also in the way the system evolves over time. The fifth is the fact that the system is not a simple one. It is a complex system, and the complexity is not only in the number of components, but also in the way they are connected. The sixth is the fact that the system is not a static one. It is a dynamic system, and the dynamics are not only in the way the components interact, but also in the way the system evolves over time. The seventh is the fact that the system is not a linear one. It is a non-linear system, and the non-linearity is not only in the way the components interact, but also in the way the system evolves over time.

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I think it is very much truer of people in prison than it is of us who have our freedom, who have many other things to interest us and make each day worth while. If the men in our penal institutions were interested in some form of labour that would employ both their hand and their brain it would undoubtedly make the task of discipline a very much easier one. Authority after authority has come to that conclusion. I will quote one, Mr. Moyer, whom I quoted before. Addressing the American Prison Association, he said:

We believe that training both the mind and hands of the prisoner along useful lines offers the best and surest method of redeeming such as are redeemable.

The president of the association, Mr. F. M. Spurr, said:

Being a convict should not rob a man of his right to work, nor rob him of a fair recompense for his labour, after the cost of his maintenance is met...Some fair pay given for their labour should so stimulate them as to make discipline a fairly easy.

How can we expect to turn out from our penal institutions honest, law abiding citizens if we treat them in such a way as to make them feel we have not been strictly honest with them while they were there? The warden of St. Vincent de Paul penitentiary in his report in 1923 emphasizes very strongly the need of work and the need of recognizing good work with pay. The superintendent had mentioned the setting aside of a fund to pay a small sum to the working and deserving inmate, and the warden of the penitentiary emphasized this by saying:

In the case of a married man it would in many cases help to keep the fireside going and possibly prevent the ruination of his wife and family through outside influences over which they may have little or no control....The feelings or the state of mind of an in-

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inmate who has paid his debt to society and who on being discharged returns to his home and finds it ruined or in a state of chaos can easily be imagined. Can one reasonably expect that his incentive to become a better citizen would be strengthened?

Instead of requesting the appropriation by parliament of a fund, he suggests that work be given by the different government departments to the penitentiary service, and his experience has taught him that by so doing it will be possible to defray the whole cost of such an outlay or even to make a surplus. Conditions are very difficult for a family, the husband and father of which is in prison, because that whole family has to share with him in the disgrace, even though they have had nothing to do with the crime. It is exceedingly difficult for them to get work; they have to bear almost the full brunt of society's disapproval. That makes it even more necessary that they should be provided for, because they are not on a level footing with other people in the labour market, in the securing of any sort of work. The public, with or without reason, are suspicious of the family of a convict.

I want to quote further from the governor of New York state, Albert E. Smith, in regard to the earnings of prisoners. He. says:

I feel strongly on that subject. It has been my experience not only since I have been governor, but all the years I was in the legislature, that the real sufferers as a result of prison sentence are the dependent members of the prisoner's family. The prisoner is taken over by the state, supported, fed and clothed, and his children, if he has any, and unfortunately a great many of them have, and his wife are thrown upon the mercy of friends and relatives, or else become public charges. The most pitiful cases one can

March 18, 1925. (cont'd.)

listen to are continually brought to the attention of the governor-- stories of actual want and actual starvation as a result of the breadwinner being locked up in the state prison. Yet it is unfair to society to let them out of prison. Though the prisoner is where he belongs, that does not take from the state the obligation to do something for the man's wife and children while he is in prison.

Many members of this House have received petitions from dependent families and wives entreating that the breadwinner be let out of prison, even thought, as the governor of New York state says, that is where he belongs. I have in my hand a letter from Pathfinder, Alberta, which was sent to one of the hon. members in this section of the House, in which a woman entreats the hon. member for her constituency to do something to get the head of the family out of prison. The letter was written on January 16, 1925. This woman has ten children, most of them very small, and the two older ones, who under ordinary circumstances might have been able to help, are mutes and therefore of no use in the labour market. This is an extreme case, but there are many others, that I am sure other hon. members could cite many examples which show that while men who have broken the law should be kept away from society for the sake of society, still, great numbers of people are suffering unduly on that account.

I should think that if the family of a prisoner were getting some support from that prisoner while he was confined they would have an added respect for society; because they themselves were not to blame for the deed and they would feel that society was treating them fairly and not heaping upon their unfortunate heads the payment for a crime committed by someone else. I think, too, it would give them an added respect for themselves, and the most terrible

March 18, 1925. (cont'd.)

thing that can happen to any of us is to lose our self respect, because when we do that we become entirely reckless and care not at all what we do. So I think it would help to hold the children who are to become citizens of the country high in their place in the social scale, and to keep the wife in that position, if they were made to feel that they were at least respectable, law abiding members of the community.

It would also have a tremendous effect upon the prisoner himself if he felt that he was still of some account, that he still had responsibility; because often it is true of us--and it must be true of those who are confined to prisons--that responsibility will hold us to a task when nothing else will. It would make the prisoner feel he could get a new grip on life, and would help him strive once more to climb to a worthy place in society. All that the Superintendent of Penitentiaries has asked for in his many reports and requests for work with pay is government work; that is, work to be done for the different departments of the government. He sets that out in detail in his report of 1921.

The inmates of the penitentiaries are the wards of the Dominion government, and there is no valid reason why goods required for state use, and state use only, should not be made in so far as possible in the penitentiaries. The government spends many thousands of dollars yearly for furniture, furnishings and equipment of various kinds, a small portion of which could be made in the penitentiaries--

A large portion of which I think could be made in the penitentiaries. Brigadier-General Hughes told me just some few weeks ago that with the equipment they now have in the penitentiaries they are doing only one-tenth of the work of which they are capable, and that if they had the equipment such as he would like to

March 18, 1925. (cont'd.)

have, they would be doing one-twentieth of which they were capable.

I have here, but I do not wish to quote it at length, a document prepared by the secretary of the Prisoners' Welfare Association, of which I believe the Minister of Railways (Mr. Graham) is the honorary president. They give strong support to this resolution, saying that there is no time so difficult for a man and his family as immediately after he leaves the penitentiary. He is feeling the lack of respect, the lack of confidence in himself. He is possibly clothed in rough clothing that makes him almost a marked man, and, as well, possibly his changed complexion and other things show him for what he is. He comes out of the penitentiary with almost no money, and very often with no skill for any trade, and it is difficult for him to get back into society. This embitters him, and the result very many times is that the man in desperation in the first few weeks after his release turns back to crime.

It has been said by people who oppose work with pay in the penitentiaries that free labour does not want the prisoners to have work and be paid for it. But that argument can no longer be advanced. In 1920 Brigadier-General Hughes wrote a very lengthy letter to Mr. Tom Moore, president of the Trades and Labour Congress, in which he set forth the need of work and the need of pay for it, and his desire that Labour should support him in that respect. The Congress recommended concurrence in this scheme, and further recommended that the entire penitentiary system of Canada be investigated, and further that the question of prison labour and the disposal of its products be thoroughly inquired into and reported on by a commission, and that a representative of the Trades and Labour Congress should be included on that Commission. That Commission was appointed the next year, in 1921, and I have quoted at some length from its report. Labour dropped all its objections to that particular thing that Brigadier-

March 18, 1925. (cont'd.)

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General Hughes was asking for, work with pay, and they went further, because in 1924 at their last annual congress they accepted the whole report, which goes into very many other prison reforms that I am not touching upon to-day, and they hoped that this whole report, which consists of about seventy pages, would be put into practice. So, there can be no argument that free labour is unwilling to have work done in penitentiaries and the prisoners paid for their labour. But, even if that objection still existed, what influence would the labour of 2,500 prisoners in the penitentiaries have upon one and a half million of workers, even in times of stress? The number in the penitentiaries is so small that the objection never was a weighty one.

If we carry this resolution to-day, and if the government helps the Superintendent of Penitentiaries and the wardens to put it into effect as soon as possible, there is no doubt in my mind that it will effect a tremendous material saving, apart altogether from the lives of people, which to me is of very much greater importance than the material gain. But, quite apart from the remaking of the men and the caring for their dependents, there will be a very great material gain. The net cost of all the prisoners in Canada in 1923 was \$1,441,900.93 or a per capita cost of \$558.44. When you add to that the cost of the average conviction for crime, which is about \$1,200, you will immediately see that if work with pay for prisoners could be so extended as to make the penitentiaries self-sustaining, and at the same time reclaim the men, we would save what it costs to keep these inmates in the penitentiaries, and over and above that, what it costs to reinstate them in the penitentiaries when, under the present system, they find their way back there as the easiest way out.

This plan of work with pay has been tried in very many

March 18, 1925. (cont'd.)

may places with success;--perhaps I should not say in very many places, but certainly it has been tried, and with very great success. There are two states that have made it a paying proposition, one of them Minnesota. I am quoting again from this account of the Prison Association convention in 1919. Mr. C.C. Vasaly, speaking for the Minnesota Penitentiary Board, say:

We make a great deal of money, but we make something in the prison much more important than money, and that is the making of men. We would have no excuse whatever if we did not lend our industries successful as they have been, and still more successful as we hope they will be, to the making of men rather than the making of money. In the first place, our prison earns its support; it saves the state somethin like \$360,000 a year in that respect. In other words, the prisoners are earning their board, which they would have to do if employed outside in industry, so I consider that nothing particularly to criticize. In addition to earning their board in that form of saving, they received in wages last year over \$100,000, and will receive over \$125,000, this year. What is that per capita? The earnings would be about \$366 per capita. Prisoners earn from 25 cents to \$1.50 per day, and it is our purpose to increase that. The prison made a profit which goes into a revolving fund, which is in fact the capital account.

I find by later reports that that revolving fund has reached the sum of \$6,000,000, and out of that they buy the raw materials with which to work. He also says that they write off depreciation on the buildings, and that the yearly profit, after all expenses,--wages to prisoners, hospital fees, and so forth--are paid, is devoted to the welfare of the institution and its inmates. He goes on to say:

In that connection let me say that I know of no greater aid to

March 18, 1925. (cont'd.)

prison discipline than wages....The prisoner is contented, first of all, because he is working. He is contented because he is earning something for his family.... Those things up together have great effect on discipline, and make the prisoners more content and make them feel much more hopeful than they could otherwise be.

It seems to me any system of prison labour, no matter what it may be, that does not take into account that side of things, the creation of contentment and hopefulness in the prisoner, not only with regard to himself but his family, is a mistake.

The other state that has made a success of it is the state of Michigan. The most notable success in administration was achieved by Warden Jackson, of Jackson penitentiary. At that institution they pay in wages from 10 cents to \$1.50 a day, to which must be added shelter, clothing, food, medical attendance, dentistry, and so on. For the year ended June 30, 1917, a net profit of \$156,000 was shown at the Jackson penitentiary, and this result was accomplished after paying all the expenses of the institution, making proper allowance for the depreciation of buildings and machinery, paying wages to the inmates and providing them with food, clothing and other necessities. The next four months following the end of the year referred to, namely, July, August, September and October, showed an increase in the profits, amounting for that period at \$300,000. This was an addition to the material gain represented by having no idle men, by a general improvement of health, and the employment of twenty-five per cent of the inmates on farms who were practically free men and not under guard at all.

The other state which has tried the system, but in a lesser degree and therefore with less success, is New Jersey. At that institution only a small wage is paid--not more than 30 cents a day; but interesting work is provided for the convicts, and

it has been found very beneficial to the men in maintaining discipline, developing their character, and so on.

In presenting the foregoing facts I have not disclosed the adverse side of the situation. However, in all the works on this subject that I have read, and I have all that I could obtain, I do not find an adverse side. Nor could I find any argument against giving profitable work to prisoners. On the contrary, all the facts that I could discover favoured such a programme; and those institutions where it is not in operation were praying that they might soon have it. Therefore experience shows that it is the one great thing the penitentiaries must adopt before they become the kind of institution which public opinion wants them to be -- a re-maker of men.

It seems to me that we in this House, who really are the guardians of these wards of the Dominion government, must find in our treatment of this resolution a test of our own intelligence and our own humanitarian instincts. Surely, we in this generation should crystallize into legislation, and into the administration of these institutions, the best principles we can. If we do not do that we are not fair to succeeding generations and succeeding parliaments. We are not aling advantage of our privileges if we do not adopt the best features in penitentiary administartion which past experience has developed and put them into operation. If it is possible for all the hon. members of this House to help in the re-making of men, to save suffering thethose who have really caused no harm to the state, to sweeten the lives of very many people, and over and above that to effect a large economy in public expenditure, why should we not pursue a course that will bring about these happy results? I leave the matter in the hands of hon. gentlemen feeling that they are resonable men. If I am right in that opinion, if hon. members are ths reasonable and sane individuals I believe them to be, they will support this resolution.

March 18, 1925. (cont'd.)

Mr. Paul Mercier:

Mr. Speaker, the resolution of the hon. member for Southeast Grey (Miss Macphail) mentions a fact which deserves to be studied and is partially realizable. I have always believed that convicts were employed in sufficient productive work to keep them occupied; and, as a matter of fact, if one consults the official reports of our penitentiaries, he finds that the inmates are kept busy. They learn a trade which shall permit them some day, when they return to social life, to become again citizens who will generally work with others for the welfare of the community.

I understand the good motives of the hon. member for Southeast Grey in bringing before this House this resolution. She sees the abandoned families as the result of the condemnation to gaol of their heads; she pities the bewildered youth treading the rosy but risky path of life who has been sentenced to a reformatory after a second or third offence and is now confined there; she pities other condemned men, left without a soul in this world, undergoing their sentence. She remembers also that sooner or later they will all alone leave their prison, and although free, must tread the public highway with justice shadowing them and the police officer at hand.

We certainly sympathize with the hon. member for Southeast Grey. On the other hand, we shall not forget that this government, as others in the past, thought the Minister of Justice, has acted on the principle that it is by sufficient work that the culprit is regenerated. By this means he has the chance to become again worthy of occupying his former place in society, following at last the path of honesty and integrity. When Convicts are taught the elements of an industrious life, they discover finally, that they can be useful to themselves, to their relatives and to their fellow citizens. In this way the state endeavours to profitably preserve

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a convict for society. Indeed, Mr. Speaker, society is a community submitting to the very same natural laws as the family itself.

The Chaplain of the Health department in Paris, Abbe Geispitz, in his noted book *Sous les Verroux* enunciates these sentiments:

"At all times there has existed and there will always exist daring, venturesome, whimsical and strange people. They have in the past made up the host of warriors, sailors and explorers. These fearless energetic and dauntless men these "dare-devils" often shedded much glory upon their contry.

Perhaps, by remaining at home this too great activity would have turned to evil deeds, and their career abruptly ending with a rope around the neck. While being thrown in a larger sphere, without stifling laws, they had the opportunity of being of service both to their country and themselves."

And this man of experience in prison life to proclaim:

Should we not ask ourselves if, to-day, we could not find some outlet for all this population too energetic to live in this stifling atmosphere and especially to prosper therein.

We share the opinion of this outstanding writer. We do not perceive in what way these words proclaim an Utopia. If one reflects upon this very vital question, consults the wardens of penitentiaries, asks the advice of judges and crown attorneys, the voices of experience, he will get the following answer; "Remove from the great centres of population these convicts, either for a certain time for for a definite period; set them to work like any other free men and the best results will be reached." Thus, we shall be able to prevent recidivism and to reduce the number of prisoners which is continuously increasing at the expense of the country.

Canada owns immense territories, almost boundless. She is anxiously waiting for immigrants and settlers. These prisoners,

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desiring to work, should find there a new life, perhaps a happy home with their families, if the state decides to adopt a policy providing for their support until such time as they are able to maintain themselves. Then they would be entitled to receive pay for their work. Their labour would not only give them the opportunity of getting rich but would enrich our land, moreover this is the principle successfully followed in the United States, Australia and New Zealand. This, in my humble opinion, should meet the wishes expressed in the resolution of the hon. member. The Department of Justice, it seems to us, Mr. Speaker, could easily carry out a policy of improvement on land lately opened to colonization and in doing this utilize the labour of our penitentiaries. In so doing, we will be acting charitably towards these unfortunate inmates and they will be actuated by feelings of remorse and repentance.

I would have supported the resolution if it had tended to that end. I do not imagine, Mr. Speaker, that it is a good thing or sound public policy to remunerate convicts for the kind of work they are actually doing. This work is now useful to themselves only and no profit whatever comes to the state which pays heavily for their betterment. These prisoners should avail themselves of the opportunity to improve their minds and thus develop the talents which, because of their criminal tendencies have remained dormant in their hearts and brains; so that when released from the penitentiary, they will derive immediate benefit, and will look to the future with a hope and confidence they had never experienced before. This opportunity, be it remembered, will be provided at the expense of the nation.

We do not wish, Mr. Speaker, to oppose the idea suggested by this discussion. The resolution of the honourable member should be graciously received and studied: it can assuredly do much good,

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if it is properly applied not only to the convicts but to their afflicted relatives.

In closing, Mr. Speaker, allow me to quote a page, admirably written, in French, and to the point in this debate, from the work already mentioned in this speech and entitled *Sous les Verroux* of Abbe Geispitz:

"The convict population is costly to the country; it can, it must be productive, France will rise in one's esteem by taking away from all citizens the right of doing wrong under the plea of dire necessity, it is within her power; her territory is vast enough to feed the whole population and to provide for these riotous energies an outlet. It can substitute to the army of criminals who to-day burden her finances without any benefit whatsoever, an army of pioneers and colonists who will mend their ways with these brighter possibilities of life before them and gather wealth for themselves as well as bring wealth and glory to their country. It can, and will perform such a duty.

Let us meditate over these words, Mr. Speaker, and apply them to Canada in the near future, if that is feasible.

Mr. J. L. Brown.

The matter which has been brought to the attention of the House by the hon. member for Southeast Grey is in my judgment one of such importance that I would not like to cast a silent vote in support of the proposition. There is no more serious blot on the history of the past than the treatment of those who, through misfortune or faults of their own, come under the ban of the law. One cannot read that great masterpiece of Victor Hugo's without being profoundly impressed with the fact that many who might otherwise have been eminent citizens in the community by no fault of their own

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have been brought into circumstances where they have been compelled to hide from the minions of the law. Indeed, many of our great masterpieces of literature concern themselves with the treatment of those who have been inmates of penal institutions. We are happy to believe that to-day there is a different outlook upon those problems, and happy to believe that those who are in charge of our penal institutions are not brutes in human form that we read about in some of those pieces of literature. It has been my good fortune to come in contact with some of those who are at the head of our penal institutions, and I have been greatly impressed with the thought that they were men who were Christian and humanitarian in all their outlook upon life, and I am happy to believe that these men are doing all that lies within their powers operating under the laws as they exist, and that they are doing all they can to better the conditions of those unfortunates who are placed in their charge.

There are three aspects to this question of crime. There is the aspect of prevention, and of punishment and of reform. We cannot over emphasize the necessity of doing all we can to prevent crime. It is recognized now in the medical world that the prevention of disease is perhaps more important than the cure. Certainly it is of equal importance. In regard to our attitude towards crime, society cannot hold herself guiltless altogether in regard to crime as it exists. Many of those who are to-day in our penal institutions are there because they are victims of conditions for which they were not altogether responsible. Society as a whole cannot hold itself innocent in regard to this matter. Then we come to the question of punishment. We cannot perhaps altogether refuse to recognize the fact that the criminal must be made to realize some of the consequences of his misdeeds. We cannot perhaps altogether allow him to forget that the way of the transgressor is hard and that

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the man who sins against the laws of nature and the laws of God must in large measure bear the consequence of his misdeeds. At the same time, as has been well pointed out, we must banish from our thoughts the idea of revenge. Whatever we may think of the relative importance of punishment and prevention, there can be no question in our minds, that as regards the question of reformation that that is one of the most important things we can undertake and one of the most necessary. It may not be always possible for us to see our way clearly. Possibly we will still, in our attitude towards the criminal, have to explore many by-paths, perhaps make many mistakes, and perhaps sometimes we will be discouraged when we think that the courses we have pursued with great hope of success have not been as successful as we thought at first they might be. But there is one step it seems to me we can take with perfect certainty, and that is the step that has been indicated in the resolution that has been brought before the House. It seems to me it is sound from every viewpoint. It is sound morally, it is sound socially and sound economically. It is sound from the standpoint of his dependents and from the standpoint of the state. I do not need to labour the point further. It has been already well emphasized that from the point of view of the individual good honest work is to his advantage. We are not sure that labour is a curse as perhaps we have thought it to be in the past. Good honest hard labour is indeed the foundation on which all society rests and upon which human progress is built; and if there are men who are averse to labour, if it is true in a large measure that many of the inmates of our penal institutions are unwilling to exert themselves, they are there because they have never learned the dignity of labour, or because they were placed in such circumstances as made them disinclined for employment. If that be true, one of the

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things we can do for such men is to teach them something of the joy as well as of the material value of substantial, honest toil.

Perhaps one of the greatest evils we have to face to-day is just the disposition on the part of men to get an easy living without honest labour. So that from the standpoint of the individual nothing can be said against but everything in favour of the proposition that he should be given sufficient work of a useful kind to keep him actively employed.

The old idea, the stone pile and the treadmill which Charles Reade describes on one of his novels, must be abandoned; and if we are to give men work to do in our prisons it must not be simply physical employment for the sake of keeping their muscles in trim; it must be useful work in which the labourer will see that he is accomplishing something. Is there any reason why that work should not be paid for?/ None that I can see. There is no valid reason why the man who performs such work should not be paid for it, or why society should not receive the product of his labour. The fact that the state has seen fit to take him in charge does not imply that the man should not be allowed a proper recompense. Certainly the idea is commendable from the standpoint of the dependents. We know it is all too true that the sins of the fathers are visited upon the children to the third and fourth generation, there are certain inescapable consequences that follow wrongdoing as naturally as night follows day. But that is no reason why society should heap further penalties on the dependents of the wrongdoer. And yet that is what we have done. We have visited them with our disapprobation relegating them to an inferior place in the community and we give many manifestations of our displeasure. And besides all that we have withdrawn from these people the means upon which they

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depended for their subsistence. Why should we continue to heap on their dependents burdens other than those which naturally follow from their wrongdoing.

I say, further, that the proposition is sound from the standpoint of the state. The state in its own interests has felt it necessary to take the law-breaker under charge. As has been said, he has been anti-social in his outlook and he must be brought to a proper view of his relation to society. He would not work voluntarily of his own initiative; he would not work under his own guidance he must therefore work under the guidance of the state. But if the state in its own interests and for its own safety, assumes that responsibility towards the law-breaker, it does not thereby follow that the state should be put to unnecessary expense in punishing him. It does not follow that society, because a certain individual has broken its laws, should be further burdened with the care of him. There is no sound reason, then, that can be advanced why the criminal in our penal institutions should not be allowed to earn wages that will pay for his maintenance and at the same time assist his family; and if there is anything left over I do not see why it should not be given to him as a fresh start in life. I know that arguments have been used in the past against this; but I am only too happy to believe that the attitude of organized labour towards this question has changed, if that is the fact, as I hope it is.

We have regarded the product of prison labour, thrown upon the community, as wrong against society. Why should we so look upon it? We shall have to change our point of view in considering those who are thus engaged in productive enterprises. Too long we have been under the error of thinking that those who contribute

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something to the wealth of the state are injuring the state or somebody else. We must get rid of that notion and take the view that those who produce wealth in any form, whether it be the product of free labour or of prison labour, are doing something for the general well-being. When we look at the matter in that light I think we shall be prepared to change our attitude towards the product of labour. It has been suggested that the goods produced by prisoners should be made use of by the state itself. To some extent that is being done now; I believe that at the penitentiary at Stonewall large sums of money are being saved to the government in the repairing of mail bags. What may be done in other penitentiaries I am not aware. And those who are incarcerated in these institutions make their own clothing and so help to some extent to relieve the state of the burden of their maintenance. But I would not limit their activities to producing goods for the benefit of government departments. There is no valid reason to my mind why the goods produced in penal institutions should not be put upon the market.

Mr. Lapointe: I am afraid my hon. friend would then come into conflict with organized labour.

Mr. Brown: That may be, and I am quite prepared for the conflict. I had hoped from what my hon. friend (Miss Macpahil) said that organized labour had changed its attitude.

Mr. Lapointe: Yes, but they are in favour of prison labour being used for governmental purposes.

Mr. Brown: Well, I am in favour of its employment for other purposes. I say, I see no reason why the products of prison labour should not be put on the market--not at slaughter prices I say, but in fair open competition with the product of free labour. When we have a proper attitude towards the question of production, when we

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get away from the idea that men who are producing something are doing something to the injury of somebody else, and realize that men who produce wealth in any form are doing something for the benefit of humanity as a whole, then I think we will be prepared to change our attitude on this matter. In the meantime I do not suppose it will be possible for us to go as far as I have indicated. For the present I am quite satisfied to take the one step, and if we can get a larger amount of the energy of the penitentiary inmates turned into the production of goods for the use of the state, well and good. But, as I say, I cannot see the difference. I can quite well imagine for instance, that if the contractors who supplied the furniture for this magnificent building had been met with the proposition: "Well, we can get this furniture manufactured in the penitentiaries," there would have been a loud protest from them. So after all, Mr. Speaker, there is no difference whether goods are produced directly for the benefit of the state or for the benefit of the people. There is no logical distinction, it is simply a distinction without a difference and exists only in our imagination. However, I suppose we have to bring people along slowly in this path, and if we cannot take the longer step we would like to take, we must be content with the shorter one. In my judgment there can be no logical or any other reason advanced why this resolution should not be adopted, and I should like to see it adopted unanimously. If we have not accomplished anything in the past it has not been because we have been definitely opposed, but very largely because we have been indifferent. But this matter is being forced upon our attention now as it never has been before, and I think the county is beginning to demand that we take a definite step forward. Perhaps we have been deterred by some things that we thought would be difficulties,

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but our duty to-day is to meet this problem and, in the light of the new opinion which we are developing in social matters, to take the step forward that has been indicated.

Mr. J. S. Woodsworth.

Mr. Speaker, after the very comprehensive and forceful address by the hon. member for Southeast Grey, I do not know that it is necessary for me to spend a great deal of time in endorsing the views which she has set forth. It seems to me that in a great many ways the public generally is in advance of the penitentiary officials in this matter as in a good many others. I suppose possibly those who have charge are apt to get into a routine, and since the unfortunate victims of our judicial system have often no one to plead their case, the injustice and wrongs that they suffer do not come before the public as they might in the case where the interests of other sections of the community are concerned. My attention was called only this morning to a rather interesting news item on the front page of the Citizen, which shows that some of our local magistrates are taking this question into consideration. The item is headed and reads as follows:

Sentenced to jail, still at his job.

Unusual parole is given married man with large family in Kingston.

Kingston, March 18.--To be allowed to work in the day time at his job in a local factory and to return to the county jail at night was the unusual parole granted to a Kingston married man, who was a few days ago sentenced to two months in the county jail for stealing tickets and selling them at the Jock Hart Arena, where he was employed as a ticket collector. He has a wife and several children

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support, and this is the first time he was ever in trouble. His former employer gave him his job back again.

It seems to me that if a private employer has sufficient humanity and common sense to be willing to trust a man in this way and to see that his family is looked after, the government of the country surely ought to follow his excellent example.

Sometimes some of us in this corner have been accused of seeking to travel rather too fast in attempting to bring in reforms, but I would urge that the question of prison reform has been before the public again and again throughout a great many years. I remember very distinctly the sense of shock that came to a great many people in Canada back in 1914 when there was issued the report of the Royal Commission on Penitentiaries. The member for Southeast Grey has referred to more recent documents. I go back to that earlier report in order to show that for that length of time a great many people have been urging reforms in our penitentiaries. I had occasion several years afterwards to visit the Kingston Penitentiary when I noted that comparatively few of the reforms suggested by the commission had actually been put into practice, and I am advised that the major reforms have not yet been introduced at that penitentiary. May I read a few paragraphs from this report?

Solitary imprisonment, labour and religious instructions have been the only agencies employed for the reclamation of the unfortunates. The first of these three has always been a prominent feature of the discipline. Probably in no prison on the continent do the working population spend as many hours alone in their cells as they do in our Dominion Penitentiaries. They leave their cells to work and they return to them to eat and meditate and sleep. On Sundays the single break in the monotony of life in the cell is the hour of divine



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service, and when a holiday falls on Monday that hour is the only relief enjoyed for two whole days and two nights.

Again:

Labour, the second corrective influence stipulated in the act, had always been rigidly insisted upon. Years ago when there was a system of productive industries in the penitentiaries, the intention of the act to provide "well-regulated labour" was, no doubt, fairly carried out. The abandonment of these industries has made it physically impossible to employ the population at "well-regulated labour."

And again:

The industrial conditions in the penitentiaries of Canada are a disgrace to the Dominion. An honest attempt is made by the officials to keep all the prisoners employed at something, but it is only an attempt. As far as your commissioners could learn there is not a single well-equipped well managed, continuously busy shop in the whole circle of prisons.

I may say that I have had confirmation of this from the wardens of the penitentiaries, who themselves are very keenly interested in seeing that something should be done in this regard. The report goes on:

The reason for this state of things is not far to seek. There are no goods to be made, and if goods were made, there is no place to market them. The blacksmith shop at Kingston was running nicely when the commission made its visits. Steel gates for a new prison in the west were being turned out. When that order is completed, the management will be hard put to find employment for the men in the blacksmith shop. The tailor shop, carpenter shop, painters' and tinsmiths' shops are ~~operated~~ merely to meet the requirements of the institution.

Reference has already been made to the stone pile. That

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institution is, I believe, still in existence at Kingston as it is at other penitentiaries. Let me read the words in which this occupation is characterized by the report of these commissioners:

The conditions in the workshops were found to be fairly satisfactory. Like the rest of the buildings they are old style structure and their lighting and ventilation could be improved. The ceilings are high and there was no evidence of congestion of workers in any particular shop. To this statement, exception must be made in the case of the stone-breaking shop. Every feature of that department was bad. The atmosphere was charged with stone dust and there was apparently no adequate provision for carrying it away. The closets, situated at one end of the buildings, were poorly constructed and foul-smelling. Over seventy prisoners, some of them mere boys, were at work in this department when the commissioners made their visits. They were arranged in rows, facing each other, and the stone to be broken was piled in a long heap between them. As the raw material was reduced to the required size, fresh supplies were wheeled in by the tenders from the yard. There was perfect order among the men. Not a word was spoken, But the monotonous raps of the hammers, the sullen, whitened faces of the forms, half crouching over their unhealthy, unprofitable, degrading tasks, were a mute but powerful denunciation of the system that permitted, or rendered necessary, such an outrage. Nothing has been said, nothing can be said, in defence of this twentieth century reproduction of the unceasing toil of the galley slave.

It has been suggested to me that if some members of this House could by any stretch of imagination be forced to spend even a few days in such an institution their attitude toward the this problem would be altogether changed. Most of us are busy; most of us

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are not brought into direct contact with these questions, but if it were otherwise I am sure there is not a man in this House who would wish to see such conditions tolerated for another year.

Another point to which I should like to direct attention is the lack of any proper alienist in connection with most of our penal institutions. Any student of social problems must recognize that a very great amount of our crime is directly due to mental deficiency. One cannot visit a penal institution without noting that a very considerable number of the men are subnormal, and one's own opinion in this regard is corroborated by talking the medical doctors and with the wardens. A very large number of the inmates of our institutions are distinctly subnormal, yet we ~~know~~ treat them as if they were fully responsible for the crimes they have committed. It does seem as if we cannot go on indefinitely in this haphazard, unscientific manner. We all recognize that crime is very largely the result either of some hereditary weakness or of some maladjustment in our social life, and we ought to take steps to see to it that we do not allow those who are mentally deficient to propagate their kind, and on the other hand that we do not permit those social maladjustments to continue which are responsible for turning out an increasing stream of criminals.

I do not wish to dwell upon another question which is closely related and to which the commissioners called attention that of the punishments inflicted for the infringement of the rules of the prisons. The most severe punishments have in the past been frequently administered. When it is considered that a great many of those punished are actually mentally deficient, the full horror of such punishments begins to dawn upon one. Surely before we hand over these matters to the discretion of guards who are no

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fully trained in questions of this kind we should inquire very carefully indeed as to the exact physical and mental condition of the prisoners.

I should like also to urge the absolute necessity of a much better classification of the prisoners. Young and old are very largely placed in the same gaols. It should be quite feasible to make some arrangement under which the young offenders would be placed in particular set of institutions and the old hardened offenders in another. At the present time, as the authorities have frequently pointed out, we have an arbitrary method of placing the short term offenders in our provincial gaols, which are often very much inferior to the penitentiaries, and placing the long term offenders, two years and over, in the federal institutions. It would seem reasonable that we should judge of this matter not according to the character of the crime but rather according to the character of the criminal. In some instances the offenders, although they may have committed what is called a serious crime, may be youthful--in fact in many cases it may be their first offence; while in other cases the hardened criminals may be committed to a penitentiary for committing a comparatively insignificant crime. It seems to me that there should be a careful classification.

Further, within these institutions a great deal of latitude should be granted to those in authority in the treatment which they accord to the prisoners. In the hospitals we have many kinds of wards; we have a great variety of treatment for the different kinds of disease. So I take it that in our penitentiaries, which one day will be regarded much more like mental hospitals than they are to-day, there ought to be permitted a varied treatment for the inmates, in every case remembering that the view of the leading

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Advertising Manager: J. C. Thompson, M.D., 535 North Dearborn Street, Chicago, Ill.

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criminologists is that the punishment administered by the state-- or the treatment, shall I say, given by the State--is not so much penal as reformative in character.

With regard to the payment which is advocated in the motion, I should like to go back to this report of 1914, simply because it is the view of another set of people and was given as long ago as eleven years. I quote:

It has been strongly urged upon your commissioners that prisoners should be paid wages or that a portion of their earnings be devoted to the maintenance of their families. At the present time, the prison population of Canada, far from earning anything for the state, costs the government for maintenance over \$300 per head per year.

According to the figures given us to-day, that amount has advanced until it is considerably over \$500 per head per year.

Even if a well-selected circle of state-use industries were established and successfully operated, it is not likely that they would ever make our prisons self-sustaining. They should, however, very materially reduce the annual burden on the country and at the same time provide a fund for the remuneration of prisoners or assistance to prisoners' families. Any wages' system must include all prisoners in its operations.

I should like to stress this point because I know there are some who, feeling the need of caring for families, are inclined to say, "Well, give payment in cases where there are dependents, but otherwise give no payment." This is the recommendation of the commission of that point:

Any wages' system must include all prisoners in its operations. If married men, or men with relatives dependent upon them, alone were paid, other prisoners, equally skilled and equally industrious, would justly complain. Even the fact that the earnings were given,

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not to the prisoner, but to his family, would not lessen the discrimination. The only prisoners who can fairly be left off the wages or reward sheet are those under the ban for bad conduct.

The system of rewards or payments to prisoners, according to their efficiency and industry, has been adopted in many of the institutions of the United States and in a few houses in Europe. As an incentive to labour and good conduct, it is invaluable. Men work with much more heart when they know they will be sharers, even to a small degree, in the product of their labour. In fact, their increased output under such a stimulus, it has been shown, goes a long way towards covering the wages fund. An idea of the outlay which the wages or reward system involves, may be gleaned from a survey of the pay sheet at Stillwater, Minnesota. Stillwater as we have already seen, returned to the state, \$362,000 profit on its industries last year. The money paid the prisoners at Stillwater is termed "over-work allowance." In the month of October 1913. 24 hands working full time, 27 days, received an "over-work allowance" of ~~\$232~~ \$282.57, or an average of \$11.77. There was quite a disparity in the amounts received by the men. The earnings of four were between \$15 and \$20, and seven were under \$10. As things are at present.

The payment of prisoners, under the industrial conditions that at present obtain in our penitentiaries, would be a question of charity rather than administration. The question is: Should the distress that exists in the homes of many of these men and the sufferings entailed upon their innocent families, be left as at present to the care of local charities, or should their relief be made an additional charge upon the penitentiary appropriation?

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Mr. Euler:

Would the hon. member say whether or not he is in favour of the product of prison labour coming into competition with the product of free labour?

Mr. Woodsworth:

I was about to pass to that point. Since reference has already been made to the stand of organized labour, I am inclined to think that taken as a general proposition, I should have to agree with the stand taken by the hon. member for Lisgar (Mr. Brown). If we had anything like a proper system of production, and I should add distribution, there would be no cause whatever why we should hesitate to allow the product of prison labour to go out on the open markets; but unfortunately we have not a proper system of production and distribution. Under the existing circumstances Labour has been afraid lest the products of the penitentiaries or prisons, which are made without any competition, and which may be made below the normal cost of production should be put out in competition with the products of free labour.

Mr. Good:

If there were no cutting of prices, would the objection hold?

Mr. Woodsworth:

Not to the same extent, and I think that that perhaps has been having its weight with labour men in their consideration of this question. May I suggest that labour men have given a good deal of thought to this question. They have taken by no means an arbitrary or narrowly selfish standpoint. With regard to the prices, if the prices were the normal prices, it would help considerably of course, but it is still true that under the existing economic system there would be difficulties. To-day there is over-production.

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Now that greater production is not absolute. I will rather put it that there is a greater production than the people have the purchasing power to secure for themselves. This is the fundamental trouble that confronts us at the present time. We know that on every side we are finding difficulty in obtaining markets. The manufacturers of this country are coming to this House begging that they should be given protection, lest they should come into competition with the lower paid labour of Europe, and into competition with the mass production of the United States. Well, if our great manufacturers feel the need of protection, it is not much wonder that labour that is earning wages that are very little higher than the amount necessary to maintain men in the penitentiaries should fear to have the competition of the penitentiaries, and should ask for protection. Thus we can understand the reason why labour has been a little bit hesitant on this question and why it has been anxious to safeguard the interest of organized Labour. On the other hand, I would like to say that Labour is intensely interested in the welfare of the prisoners. Indeed to no small extent, unfortunately, the men who who have actually been caught, and who have suffered most severely at the hands of the law have frequently come from the ranks of labour. There seems unfortunately to be some way in which the high-grade criminals escape the most severe penalties. Labour is interested intensely in the welfare of prisoners, and is willing to endorse any arrangement whereby the interests of these men can be protected during the time they are within the penitentiary walls.

In passing may I venture to call attention to the anomalous situation that faces us at the present time the world over, when we are afraid of producing too many goods, I wonder if it might not be possible for us pending the alteration of our whole system of pro-

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duction and distribution that we could arrange that the unemployed across this country, the hundreds of thousands of unemployed in Canada to-day, could be furnished with the necessities of life from these institutions, this, until such times as the state could find work for them. I am not putting forward this suggestion as a solution of our economic problem; I am advancing it simply to suggest that an experiment of that kind might bring home to us the anomalous position in which we find ourselves, and might drive us to reorganize our social life in such a way that we would produce not simply for profit, but for the needs of the people. I have no desire, however, to enter this large field of discussion this afternoon.

After the decisions which have been arrived at by the Trades and Labour congress of Canada, after rather nature deliberation of this question, the government need not hesitate, I think, in endorsing and adopting the resolution put forward by the hon. member for Southeast Grey (Miss Macphail). When we have this productive work, and the payment of prisoners, it will require only minor adjustments to safeguard the interests of Labour in this matter.

Let me urge that the time has undoubtedly come when in this matter of prison reform we should give a great deal more attention to the scientific aspects of the question. We have inherited old ideas with regard to the criminal which are not at all justified by modern social study. I could hope that our Department of Justice could possibly be induced, even though it might involve a little bit more expenditure, to add to their staff a few men who had devoted considerable attention to these questions. Then when the recommendations of these men came in I could hope that these recommendations would not be pigeon-holed, as has been done so often in the past, but even in the midst of all the strenuous political life in which the major officials must spend their time, that they

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would consider a little more the human side of this question, looking more towards the welfare of the men and the women, and less towards the institutions in which they are housed.

Mr. L. H. Martell.

It is not my intention to enter at any great length into the consideration of this resolution. It seems to me that a certain portion of it is simply intended to be an incentive to crime. A person who probably is no good commits a crime. He is convicted and sent to prison. If this resolution carries, particularly the last portion of it, such a person may be sent to the penitentiary for three or four years. There he is compelled to work and that is quite proper because he is placed in the institution and kept there for three or four years as a punishment for his crime; and should be made to do actual physical work. He is compelled to work and the government of the country holds for him in trust the money he has earned until the time comes for his release. In these days of unemployment when there is a certain element in the country which is always agitating and preaching bolshevist ideas there is a lot of people who would probably go to the penitentiary. If they were outside they would not save for themselves, they would not have any money, and so they would go from pillar to post. But after such a man, being in the penitentiary and being compelled to work, on his release is given probably one thousand or fifteen hundred dollars, his earnings, it is said, the result is the man enter upon a new career of crime.

Mr. Brown:

Do you think the possibility of his starting out on a new career of crime will be greater or less by reason of his having \$1.000?

Mr. Jacobs: He will have more capital.

Mr. Martell: If he has been corrected and taught a trade to that extent

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Mr. L. H. Martell:

he has been benefited. Moreover he has been put in the penitentiary in order to protect society. Now if you permit that man who perhaps is a single man to get money for the work he had done, it is held in trust for him by the government. While he is in the penitentiary he has no opportunity of spending any money and he goes out with his thousand dollars saved. That is an incentive to a man to commit a crime in order to go to the penitentiary because you are going to make the government of the country the means of his saving the money.

Mr. Bancroft:

Is my hon. friend contending that when a man is put in the position of a capitalist it is an incentive to commit crime?

Mr. Martell:

No not in the least, that is not my contention at all; my hon. friend has failed to grasp what I am contending. Capital of course is necessary in this country. My hon. friend himself knows that if conditions had been more prosperous in that part of the country from which he comes he need not have left his district.

Mr. Woodsworth:

I was going to ask if, under this suggested case, a man came out of the penitentiary a capitalist whether that would not be a very good safeguard against bolshevism.

Mr. Martell:

No; the man would probably go from one extreme to the other. I say that the reason the man was put in the penitentiary was to protect society and also to punish him for his crime. Now you are going to punish him by giving him as good pay, if not a little better, than he would get outside; you are going to reward him by paying him wages for the work he had done in the penitentiary.

Mr. L. H. Martell:

That amounts to an invidious distinction against the poor man outside, who is honest but unfortunate, who is endeavouring to do an honest man's work with brain and hand, and probably has not been able to save any money. The criminal has been sent to the penitentiary and has been kept there at the expense of the state. And the state when his sentence has expired give him back a certain amount of money which it is claimed he has earned in the form of wages.

An hon. Member; He is given a premium.

Mr. Martell:

Yest it is putting a premium on crime. I would almost be opposed to the whole motion, but I think the innocent children should not be compelled to suffer, I believe a man before he commits a crime should reflect upon the results which are likely to flow from his action.

Miss Macphail:

Would my hon. friend apply his remark that innocent children should not suffer to the children in his own riding?

Mr. Jacobs: There are some innocents in his riding.

Mr. Martell:

The children in my riding are all innocent. The remark, I am aftaid, is not applicable to all the children in my hon. friend's riding. I trust I made my meaning clear, and I am going to move an amendment:

That all the words after the word "dependents" where it first appears in the second clause of the resolution be struck out.

That will not prevent the state from aiding the children or dependents; but where a man has no dependents I do not think there should be any premium put on his crime by giving him a reward when he comes out of the penitentiary.

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Mr. E. J. Garland:

I had not intended to delay the House by taking any part in this debate, and I would not have done so had not the hon. member for Hants spoken as he did and introduced the amendment that he did. I congratulate the hon. member for Southeast Grey upon having introduced this resolution and also upon the manner in which she supported it. She approached the question at first from the humanitarian angle which has largely governed the reports of the Department of Justice on this matter.

Let me, in passing, suggest that the hon. member for Hants would hardly have brought in the amendment he did had he attached the weight to these reports which they are entitled to receive. Possibly he has not read those reports in which event I may find it necessary to quote one or two extracts from them. I think, Mr. Speaker, that the highest ideal embodied in the resolution is to reform and not to punish the criminal. That I think is the intention at least of the mover of the resolution.

It is suggested in the report of the Department that you cannot reform criminals by punishment. The proposal in the second part of the motion, is if a single man or a man without dependents, is imprisoned he is to be placed at productive work. He earns something, and a part of those earnings will be devoted to the cost of his upkeep in the penitentiary and the maintenance of the institution. What is to be done with the balance of those earnings? To whom does it properly belong? In my opinion it belongs to the convict himself, and the proposal I would submit is that if the sum be large it be turned over to him in a bulk sum at the end of his prison term but that the warden of the penitentiary should be placed in the position of a trustee. The convict should be called before him prior to discharge, and a discussion entered upon for the purpose of ascer-

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taining the prisoner's plans for the future, so that the warden may advise him--in much the same fashion that our wardens, the bankers, advise us--with a view to helping that man towards re-establishing himself for the future in life. The whole sum of the man's net earnings need not be paid out at once; it could be paid out from time to time as the development of the man's particular trade or occupation necessitated. So far as the first portion of the resolution is concerned I do not think there is any question as to the advisability of carrying it out.

I have heard no objection taken, but possibly as some hon. members may not be aware of some of the details in connection with the misery created, I will call attention to a letter which I received on January 31 of this year from a miners' union. This by the way may answer the question of the hon. member for North Water-166(Mr. Euler) as the possible attitude of labour on this question. The letter is from a miners' union, telling of one of its secretaries, a man fairly well respected and placed in a responsible position. He decamped with the funds of the union, fled to Seattle, was caught there, brought back to Canada and put in gaol for three years. At the end of a year the very men whose money he had taken circulated a petition pleading for his release, not because they wished in any way to condone the crime, but because his unfortunate wife and family were in dire distress and serious suffering. That was the attitude of a labour organization on this question. They wanted the man released because his wife was suffering. It may be said, "Yes, they wanted him released rather than given remunerative employment in gaol," but what would he do after he came out? He would at once commence competing in the labour market; he would at once go into the mines in all probability and get a job there,

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competing with these very men in their own field." Yet after all, what difference is there whether he competes in their own field in the labour market or competes inside the prison wall? There is no difference, and I do not think Labour will raise any serious objection to this resolution. In the report of the Superintendent of Penitentiaries for 1922 I find the following:

Conditions of all penitentiaries have been greatly improved."

And properly so. Amongst the improvements introduced are the following--and this is what I would call to the attention of the hon. member for Hants (Mr. Martell)

--the abandonment of the idea of handling all men by rule of thumb and substitution therefor of the personal study of each inmate and treatment of him, as his temperament and disposition would warrant."

Further on I find the following:

The endeavours now put forth by penitentiary officers to secure employment for inmates on discharge."

A quotation is found further down from a former inspector of Canadian penitentiaries, as follows:

Society has found by terrible experience that her gaol or prison system has too often turned out to be the largest factor and the most successful machine in the fabrication of the evil it was seeking to destroy."

I find in another report a comparison between the effects of treatment as a whole in different countries. And I take the statement on page 14, as follows:

"In England the severity of former years has been abandoned, and much more sane and humane methods now prevail. There is no criminal laxity however, in either the enforcement of the law or management of those convicted of crime. It would appear, therefor,

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if good and sane results are to be obtained in Canada we should study the English systems with a view to adopting what they have to offer by way of amendment.

The following from the Philadelphia Public Ledger is most amazing and most convincing:

"Mention has been made of Raymond B. Fosdicks' book, American Police Systems. Some of the figures in it almost stagger belief. For example the arrest in Boston in 1918 exceeded the total number of arrests in London by 32,520, a falling off you see of the number of arrest following up the lightening of the punishment of criminals.

That hardly bears out the argument of the hon. member for Hants (Mr. Martell). Philadelphia arrest in 1919 exceeded the arrests in London by 20,005, and Chicago's arrests exceeded London's by 61,874; New York arrest in 1918 exceeded London's by 111,877. In 1919 there were 5,527 automobiles stolen in New Yor, in London only 290, in Liverpool only 10. In 1918 Chicago had 22 robberies for every one robbery in London, and 14 for every one robber in England and Wales. Los Angeles in 1916 had 64 more robberies than England, Scotland and Wales combined. Liverpool is one-third larger than Cleveland and yet Cleveland in 1914 reported thirty times as many robberies as Liverpool. It may be argued that there were other factors that tended to the development of the situation, nevertheless the fact stands out that under a more gnerous treatment that tends to develop the best in a man, rather than to treat him with rigid discipline, we find more favourable results ensue.

I should like to make one other point, About sixty per cent of those sent to the penitentiaries le ve them without having suffered punishment. The more punishment inflicted in a prison, the stronger the probability that the place is poorly managed. I quote now from the 1921 report of the Superintendent of Penitentiaries:

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"It has also been demonstrated that self-governance is a conversion to virtue obtained through punishment. Physical force can check or temporarily restrain various forms of evil, but usually at the cost of rendering them still more intense and permanent."

If that be true in the case of physical force, surely any evolution of a higher, saner and more humane method of treating the men at the time of their discharge and during the time of their re-absorption into civil life would tend also to improvement.

I hope, Mr. Speaker, that the amendment of the hon. member for Hants (Mr. Martell) will not carry in this House. Our idea certainly ought not to be the mere punishment of crime. It ought to be the prevention of crime, and if as I believe this resolution will go a long way towards this by giving a convict more respect for himself and giving him an opportunity to meet fairly those with who he will have to compete after leaving the prison then I think every member should regard with favour the resolution.

Mr. W. D. Euler:

I have very little to add to what has been said and probably will not adduce any new arguments at all, but I would like to declare my sympathy for the principle of the resolution as introduced by the hon. member for Southeast Grey (Miss Macphail) I think she is to be congratulated for bringing this matter to the consideration of the House for practical action. The resolution is a credit to her head and to her heart because it seems to me what she suggests is economically sound and a credit to her humanitarian feelings. But I am afraid I cannot follow her in one suggestion that she made, and that was that crime is almost entirely a disease. Possibly that may be true to some degree, but if we recognize that to the full as being true I am very much afraid that

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Mr. W. D. Euler:

if we had not our penal and preventive laws, we would have a very great increase in crime. It has been said that people are not to be sent to prison and punished for purposes of revenge. I am quite in accord with that. It is not the purpose of humanity or of society to exercise revenge. The chief motive for sending a man to prison, apart from the preventive feature, is to punish him, and if possible to reform him. I am in favour of the first part of the resolution, providing for steady work for convicts while in penitentiary. Its wisdom seems to be evident on the face of it; these men should be fully employed while they are held in confinement. That was impressed on me not so long ago when I had not the pleasure, but the somewhat depressing experience, of going through the penitentiary at Kingston and seeing what is being done there. The prisoners were not all busy and they would have been a great deal better off had they been fully employed. So that the first part of the resolution is hardly debatable. The second phase of it perhaps gives some room for a difference of opinion, although I cannot possibly follow my hon. friend (Mr. Martell) in the statement that if men knew that they would be paid for working in the penitentiary this knowledge would be an incentive to them to commit crime.

Mr. Martell:

The hon. member must have misunderstood me. I said that men would not regard the penitentiary sentence as a deterrent if they knew that they did not run any risk of leaving those dependent upon them absolutely unprovided for.

Mr. Euler:

I cannot agree with the hon. member even now. To my mind the great deterrent is the fact that men know that if they commit crimes they will lose their liberty and be disgraced; they know

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Mr. W. D. Euler:

that when they come out they will be the object of the sneers of the world. And the payment of convicts for what they may do while in prison has no bearing on the question as to what constitutes a deterrent to crime. The great punishment is that the criminal is deprived of his liberty, and people have only to see the convicts at Kingston or in any other place of confinement to realize the truth of this.

Mr. Martell:

After a man has served his time in penitentiary and comes out he becomes a citizen of the country and no one can call him criminal with impunity. Those who call him so are subject to damages for defamation of character. The discharged convict, in other words, runs his civil status, and although there may be some scorn attached to him the probability is that he would not suffer to any very great extent if he came out of prison with money in his pockets.

Mr. Euler:

Technically perhaps the hon. member is right.

Mr. Gerland (Bow River):

Would the hon. gentleman say that the social position of the criminal was as good after as before his incarceration?

Mr. Euler:

I was Coming to that. No doubt my hon. friend (Mr. Matell) is right in the narrow legal sense; after ann has served his time he is technically washed clean, so to speak. But surely no man in this House will say that he has precisely the same standing among his fellow citizens as he had before he went into gaol.

Mr. Martell:

If he comes out with money he may have a better standing.

Mr. W. D. Euler:

I would support the resolution not so much because its adoption would enable even a single man to come out of gaol with some money, although I believe that it would be well for such a man to have something to start with. What appeals to me is that we should do everything in our power to prevent the suffering of innocent women and children as result of some amn's crime. We see that principle recognized in the Ontario law: men who have been sentenced for more or less lengthy periods are allowed out on parole, the declared object of that practice being that they may go to work and provide for their dependents.

That briefly is my chief reason for supporting the resolution. It seems to me to be fair and I think that parliament should do everything possible to minimize the umerited degradation and suffering that comes to those who are not responsible for the crime. I will go fubbher than that; I think I can support the whole resolution just as it is. I believe that even a single man, seeing that he had been deprived of his liberty, might very well be compensated for any work he did os that he might have something to enable him to begin life anew and not be forced to resort once more to unlawful means of making a livelihood. We should do what we can to prevent him from entering agáán on a career of crime. These are my reasons for supporting the resolution.

Mr. Robert Forke:

I do not want this opportunity to pass without expressing my appreciation of the speech made by the hon. member for Southeast Grey (Miss Macphail) and endorsing the resolution she has brought forward. I have not had much experience in regard to penitentiaries but I do not think there is a gaol in Manitoba the inside of which I have not seen, although fortunately I have been always been on

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the right side of the bars. Now, I have listened with a good deal of attention and satisfaction to the remarks made by different gentlemen who have dwelt on this matter, and I realize that we are moving in the right direction in our treatment of criminals. Let me say, however, in passing that we should not altogether lose sight of the aspect of punishment. The thug who knocks down an innocent traveller and robs him of his money may deserve careful treatment in the way of reform but we should not forget that there is some punishment coming to people of that sort. Crime has been rapidly increasing along many lines, and it has not been increasing altogether among the mentally deficient. Banditry and a great many similar crimes have largely increased during recent years and there must be some cause for this. I think therefore that we might well look into that phase of the question.

As regards the consequent suffering of the innocent, that perhaps is one of the saddest facts in human life; it is regrettable that no one can commit a wrong without endless misery following in its train and bearing along with it all those connected with the criminal. I do not think that society had been just in this matter; it visits the misdemeanours of the individual on his whole family. But that is the fact and we cannot help it; we recognize its injustice, but it exists nevertheless. Perhaps more could be accomplished in the way of mitigating the full force of crime in the country. I do not think that after a man has passed the meridian of life as a criminal there is very much hope of making a first-class citizen of him. Do not think that I despair of reforming anyone; I believe in the story of the thief on the cross. But it seems to me that our great hope lies with the young people; we must inculcate right ideas in them, and a great many of our amusements to-day are I am afraid little calculated to raise the ideals of the younger folk. If more

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was laid upon the dignity of labour, if more education was given to our our young people to help them understand what really constitutes right living and the joy of life, there would be less crime. The wrong idea is abroad, the idea of having what is called "a good time." We were told long ago by One who came to walk upon this earth that He came so we might have life more abundantly. Now, Mr. Speaker, I think probably that is what everyone is seeking to-day, to make the most of his life, to get all he can out of it. I think that is the idea of the criminal. I think we should teach our young people what constitutes the great, grand and noble things of human life, the things that will bring most happiness to them individually and to humanity. I am quite in line with the arguments advanced by the hon. member for Southeast Creay. I congratulate her upon bringing this resolution before the House, and I intend to support it.

Hon. Ernest Lapointe (Minister of Justice);

Mr. Speaker, I desire to join with my hon. friend from Brandon (Mr. Forke) in expressing to the mover of the resolution--

Mr. MacLean (York): Our sister member.

Mr. Lapointe:

Our sister member, as my hon. friend very properly describes her--I desire to join with my hon. friend from Brandon in expressing to her the gratitude of the House for having brought this resolution to our attention. It deals with a worthy subject, and the time fo the House has not been wasted in discussing it. I think we all agree that the prisoners in our penitentiaries should be kept working; nothing could be worse for them from every point of view than idleness.

There are two schools of thought on prison reform. The views of one school were expressed by my hon. friend from Hants (Mr. Martell). They believe that the prisoner is indebted to the state,

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that he should give his labour in return for his debt, and that the penitentiaries should be made profitable institutions. The other school takes the position that reformation is the primary function of state prisons, and that careful segregation should be made of prisoners in order that the larger number of them may be reformed. The work to which they are assigned is really accessory to this main object of reformation. I may say immediately that I share the views of this school; I think that reformation is the main aim to be kept in view. I may say also that, speaking personally, I am going to vote for the resolution as it is.

I agree, though, with my hon. friend from South Waterloo (Mr. Euler) that we should not overstep the mark and proclaim that crime is really a disease. There is a point which could not be overstepped without some danger, and I am led to say that by something I was reading a few days ago in a bulletin issued by the Chicago Crime Commission. Crime has increased in Chicago at such a tremendous rate that the Association of Commerce has been compelled to form a special commission called the Crime Commission, and the following words are from a speech by the Chairman of that commission. Referring to the many crime factors, he said:

"A fourth and equally insidious factor has been the development of a perfectly meritorious movement for the study of crime and criminals from sociological and psychological standpoints, and the endeavour to build up reconstructive or reformatory treatment that shall restore the criminal to the class of the law-abiding. But whatever of merit or progress any or all of these factors may contain, certain it is that active and diligent organized crime has availed of every possible weakness they develop in the enforcement of the law. When with the best possible intentions there has been

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created a disposition to deal with crime from a psychological and sociological standpoint--the result has been to minimize the effect of individual responsibility of the criminal himself, and to develop sources of weak sentiment towards a specific crime in a specific case."

No doubt there is considerable truth in these words. The other day, being in New York, I read an interesting paragraph in the New York Herald-Tribune. Judge Alfred J. Talley, addressing the talesmen at the general session in New York in January, closed his talk by describing high life in Sing Sing:

"There are movies every night, baseball on weekends, vaudeville once a week, and Broadway shows once a month, with radio a constant feature of prison life. The result is that the average criminal has a better time in Sing Sing than out of it.

Well, I am a prison reformer, if this title means something, but I would not go as far as adopting for Canadian prisons the system which is in force in Sing Sing according to Judge Talley. So there is as I said, a point which should not be overstepped; we should not go too far in this direction. But with that reservation I agree with the principle of the resolution and with what it proposes should be done.

By way of information may I submit to the House what work is being done at the present time in our various penitentiaries? In the New Westminster penitentiary very little work is being undertaken at the present time for other government departments. Entire reconstruction of dilapidated shops, cell blocks, kitchen and so forth, as well as the construction of wall surrounding the place, is now being prosecuted; workshops are being made fireproof; farming operations on a small scale and clearing of bush land are also being carried on. The internal requirements of the penitentiary,

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such as tailoring, shoemaking, tinsmith work, machine shop work, blacksmithing, painting, carpentering, baking, operating of gravel pit, and so forth, are being prosecuted.

In the Saskatchewan penitentiary, which is a new institution practically, begun in 1913, already two cell wings shops, hospital, new boiler house, isolation prison and administration building, containing offices, churches, school, library, kitchen, officers' mess, and so forth, have been built by inmate labour, as well as a residence for the warden and deputy warden. About 488 acres of land have been cleared and placed under cultivation. As at all other penitentiaries, tailoring, shoemaking, blacksmithing, tinsmithing, painting, carpentry, machine shop work, baking, and so forth, are being done, always for the use of the penitentiary. At present only a small amount of work is done for outside departments, in the manufacture of harness, tin utensils and some small order of woodenware. There is also in operation at this institution a brick making plant, where all the brick used in construction work at the institution is manufactured.

At the Manitoba penitentiary we have all the usual trades in operation, as in the other penitentiaries, for the maintenance of the institution. There mail bags for the four western provinces are repaired. A large building programme is being carried on, together with a remodelling of old antiquated buildings, the construction of a new cell block, a stable, granary, implement shed, root house, and the installation of a waterworks system. A large farm is in operation there also, with about 500 acres under cultivation.

In Kingston the penitentiary has all the trade necessary for internal upkeep, together with a large canvas manufactory, where all new mail bags are made and old ones are repaired; also

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tents, tarpaulins, bags and other such articles required by other government departments.

Mr. Ross (Kingston):

Can the minister give the House any idea of the number of bags made and the number repaired in a month?

Mr. Lapointe:

I have not the information at hand, but I will give it to my hon. friend later. Boots and clothing are made at Kingston for the Indian department, as well as some clothing for the Canadian National Railways. Barriers for all other penitentiaries are made there. A large farm is in operation at this institution, as well as quarry and stone-cutting department. So far as stone-cutting is concerned, it is done for the purposes of construction and repair work. Broom making is also carried on at Kingston, as well as tin and iron work for other government departments. An extensive construction programme is in progress, including the building of a new female prison, sewage disposal plant and remodelling of old shop buildings. There is also a printing department.

At St. Vincent de Paul, in addition to all the usual trades, the penitentiary manufactures leather goods such as leather folders for magazines used by the Canadian National Railways and hotels, portfolios for government employees, saddles, and so forth. Large quantities of hickory handles of all descriptions are turned out, together with small quantities of clothing and boots for other departments. There is a cannery at this institution for canning the goods for the penitentiary. A large farm is worked by the inmates. A new cell block capable of accommodating 208 inmates is almost completed, also the construction of a new entrance to the prison, together with a remodelling of many of the old shops and buildings

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with a view to making them fireproof and suitable for present needs. Bookbinding is another industry of the St. Vincent de Paul penitentiary.

At Dorchester we have all the shops similar to those in other institutions, required for general maintenance purposes. In addition, mail bags for the Maritime provinces are repaired. Clothing is made for the mounted police in the Maritime provinces and a very extensive building programme is carried on, including enlargement of wall; building of new hospital, school room library; new cell block; remodelling of old cell wing; fencing and clearing of farm, of which about 400 acres are already under cultivation.

Prior to 1921 organized labour was opposed in principle to prison labour even for the requirements of the federal departments. Since 1921, however, organized labour have changed their view in that respect; in their conventions and otherwise they have expressed themselves as favourable to prison work, the products of which go to meet the requirements of the government service. But let me tell the hon. member for Lisgar (Mr. Brown) that not only in this country but in the United States, where, I am told, prison labour is carried out on such a large scale, organized labour is opposed to prison labour coming into competition with free labour. It would certainly be a matter of great difficulty to apply that system in our penitentiaries. But it is not necessary to do it. I am convinced--and I think it was also the conviction of those who prepared the report of 1921--that the work in connection with the making of articles needed by the government should be sufficient to employ all the labour in the penitentiaries and to keep the inmates busy all the time. Both organized labour and such institutions as chambers of commerce have made representations in this connection. For instance, the

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garment manufacturers have passed strong resolutions against what they call the unfair competition to which their products are subjected by prison labour. But manufacturers as well as workmen in the United States are in favour of prison labour to meet the requirements of the States. If the articles produced by the penitentiary are not bought and used by the state in which the institution is situated, then they suggest that an agreement should be arrived at with other states whereby these articles will be purchased and used by them. If this system is accepted and applied in Canada there is no reason why some agreement could not be entered into by the provinces under which they might also acquire goods produced in the penitentiaries.

Let me indicate the classes of goods which might very easily be made in our penitentiaries and for which the penitentiaries are well equipped. All classes of canvas goods, such as tents, tarpaulins, flies, hose-bags, water pails, packs of all descriptions, ~~xxxxxx~~ and so on; furniture of all descriptions, in wood; all classes of galvanized iron and tin goods; clothing and the manufacture of uniforms--military, mounted police and other such; leather goods, including harness; boot-binding; boots and shoes; hickory handles of all descriptions; blacksmith shop work; machine shop work; stone cutting; and broom making. I can include boots and shoes without being afraid of any adverse consequences in Quebec East, because I have been told by the manufacturers of boots and shoes there that they never had the opportunity of working for the government.

Mr Halburt:

Will it be permissible for members of parliament to get their supplies there?

Mr. Lapointe:

I do not know, Perhaps they might do so by paying for them.

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Mr. Jacobs:

When they go to penitentiary.

Mr. Brown:

Are any of the articles made in the penitentiaries put on the market, or are they all for the use of government departments?

Mr. Lapointe:

None go on the market now, though that was done years ago.

Mr. Brown:

They used to make binder twine at Kingston.

Mr. Lapointe:

The contract system--that was the name given to it--was so objectionable to labour in Canada and was the source of so many difficulties that it was abandoned. No goods which are the product of penitentiaries are at present being sold on the market.

Mr. Ross (Kingston):

Is the suggestion of the minister that these articles he names would be manufactured?

Mr. Lapointe:

I say they could be manufactured; I do not say they will. I know there would be objection to some lines; but my hon. friend will always keep in mind that what I advocate would be the making of products for the use of the departments only, not for sale on the open market.

Mr. McQuarrie:

Would the minister be in favour of public works being done by prison labour? In some countries, for instance in South Africa, when I was over there last summer, I found that they were building a dry dock with practically all prison labour, and in the diamond mines they were using prison labour for a shilling a day, and so

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forth. Prison labour is used to a very great extent over there. Would the minister be in favour of the same policy being adopted in this country, and if so, would he use prison labour on public works done by the Dominion and provincial governments as well?

Mr. Lapointe:

That is another very difficult question. I believe that if the prisoners in our penitentiaries were doing the work necessary for the production of the articles which I have mentioned, for the use of the various departments, they would be kept busy not only most of the time but all the time. The suggestion of my hon. friend might be considered, but I do not think it is necessary to consider it at the present time.

Mr. McQuarrie:

I do not wish it to be inferred that I am in favour of such a policy at all; on the contrary, I am opposed to it.

Mr. Lapointe:

I would not like that to be inferred of me either. As far as wages are concerned, this also is a difficult question; -- not the principle of it, because I do not agree with some hon. members who believe the prisoners should not get anything. Others have suggested that only the dependents of the prisoners should receive some compensation for the work done by the inmates; nor I would not agree with that. I think that the principle embodied in the resolution rather conforms with my own views in that respect; but it ought to be done as it is done in the state of New York, for instance, to which my hon. friend from Southeast Grey has referred. A sum should be deducted first of all, representing the amount which the state expends for the upkeep of the prisoner in the penitentiary, and the proportion

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Hon. Ernest Lapointe:

that might come to the prisoner would be only of the amount which would be over and above what the state had expended with regard to that particular prisoner. The amount would not have to be very large either. I heard an hon. member mention the sum of \$1,000 or \$1,500 which the prisoner would have on coming out of gaol. I do not think that would ever happen. In the prisons which have a system of this kind the amount of wages paid varies from $1\frac{1}{2}$ cents a day to 25 cents. If you also take into consideration the fact that when a prisoner is guilty of an infraction of the bylaws of the penitentiary, the usual punishment consists in a fine, which is taken off the money which is being kept for him and further, that when any latitude is allowed him, smoking, for instance, and things of that kind, he has to pay for the tobacco and other articles he uses out of the money which is coming to him in the form of wages, there is no fear of any big fortune being made by an inmate of a penitentiary. On the other hand, I think that to a deserving inmate, a man who wants to make good--and there are some in the penitentiary--to be paid something for his labour would be a great incentive to good behaviour. Besides, it seems perhaps rather unwise to send a man out of the penitentiary after he has served a term of say six or seven or ten years with only what we are giving him at the present time--a suit of clothes and five dollars--and turning him on the street without any work. I think it would be in the interests not only of the inmate but of the community as well if a man who is deserving in other respects could have some little amount of money that would permit him to look around for other work, and to try and build a new position for himself in organized society.

Mr. McQuarrie:

Would the same policy apply to prisoners who are to be

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Hon. Ernest Lapointe:

deported at the end of their sentence? For instance, the dope peddlers and people of that kind.

Mr. Lapointe:

That would have to be considered; but to introduce discrimination in the penitentiary would be a dangerous system to adopt. I think all those who conform to the bylaws and regulations of the institution and do work properly and according to the the regulations assigned to them, should be treated and dealt and dealt with in the same way.

Mr. MacLean (York.);

Has there been any increase in this allowance since the high cost of living?

Mr. Lapointe:

Unfortunately, no.

Mr. MacLean:

Now is your chance.

Mr. Lapointe:

Yes. I see that time is passing rapidly; I have only one word more to say, and in this I am afraid I shall not meet with as much approval as my other have met with so far. I honestly and sincerely believe that the Penitentiaries branch and its work ought to be taken away from the Civil Service Commission, just as is done in the case of the mounted police and the militia. It is not work of the usual departmental nature. I am responsible for what happens in the penitentiaries of Canada at the present time. I am responsible if there are evasions; I am responsible if there is rebellion in a penitentiary anywhere; and I think it is not fair that the wardens and the deputy wardens, the main officers, and even the guards in the penitentiaries, should be selected under a system of competitive

March 18, 1925. (cont'd.)

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Hon. Ernest Lapointe:

examination. It is absurd. I think that penitentiary work should be compared with the work of the mounted police or even of the militia. In the penitentiary the work that is to be done by the guards, and very often their lives are in jeopardy, depends for its success more on the character and the temperament of the man than on what they may happen to know about geography or arithmetic or anything else. This conviction I have formed during the year and a half in which I have been at the head of the administration of the Department of Justice. I believe in control by the Civil Service Commission when it is a case of appointments in connection with ordinary departmental work, but I do not think they are qualified to select the men to conduct the penitentiaries. In that respect the report of the commission, which was alluded to by my hon. friend from Southeast Grey, has stated that the present system is certainly defective. That report suggested that the Civil Service Commission ought not to be bound by any regulation in the selection of the men to whom the work of the penitentiaries is to be entrusted; that they ought to be allowed to go out anywhere and select a person who seemed to them best qualified.

Mr. Garland (Bow River):

Has the minister any complaints with regard to the present wardens or officials of the penitentiaries? I mean, what good argument has he against taking the appointments of these officials from the Civil Service Commission? Are the present officers not quite efficient?

Mr. Lapointe:

I prefer not to answer that question; it is rather a delicate matter when it "comes down to brass tacks" as we say. I would rather not give any specific instances, but I should think that even the principle for which I am contending should appeal to my hon.

March 18, 1925. (cont'd.) 61

Hon. Ernest Lapointe:

friend--that the work in the penitentiaries is of such a special character that the appointment of qualified officials should not be entrusted to the Civil Service Commission.

Mr. Ross (Kingston):

Who selects them now? What principle governs the selection?

Mr. Lapointe:

The Civil Service Commission makes the selection.

Mr. Ross (Kingston):

Is not this the process followed?--the recommendation is made by the warden to the Superintendent of Penitentiaries and then the Civil Service Commission makes the appointment?

Mr. Lapointe:

No, unfortunately not. That may be the procedure in most instances but not always. I might perhaps inform my hon. friend that there is a position vacant in my department which should be filled, but has not been filled, because I have refused to accept the man whom the Civil Service Commission tried to impose on me.

Mr. Ross:

Who recommended this man to the Civil Service Commission?

Mr. Lapointe:

Not the chief of the branch because that officer gave me his opinion that the man selected by the commission had not the proper qualifications to do the work. The non-acceptance of this man is not due to any whim on my part in any way; it is because the officials of this branch in my department gave me their opinion that the man whom the Civil Service Commission recommended and wanted to appoint had not the qualifications for the sort of work the position demanded.

Mr. MacLean(York):

Would the minister give a preference in filling vacancies

Hon. Ernest Lapointe:

to the mounted police.

Mr. Lapointe:

I think I would.

Mr. Shaw:

I rise to a point of order. I do so because I am interested in seeing a conclusion reached in this matter, and I cannot see what the action of the Civil Service Commission has to do with the debate on this resolution?

Mr. Lapointe:

My hon. friend is right, but as all or most of the hon. members who spoke this afternoon took such latitude in giving their view on the general improvement of the penitentiaries I thought I could do the same thing with reference to the Civil Service Commission. I know it is a delicate subject as far as my hon. friend is concerned, but I had forgotten that fact when I touched the question. I congratulate again my hon friend from Southeast Grey. I am sure the discussion in the House this afternoon will have a very good effect, and in order to conciliate the hon. member for West Calgary (Mr. Shaw) for my allusions to the method of making appointments I may assure him that I will vote for the resolution.

Sir Henry Drayton (West York):

I rise to support the resolution and to join in the general chorus of approbation which our fair member has so admirably and fully won. I want, however, to endorse one thing said by the minister, and that is that our attitude here is not at all an attitude of sentimentality; it is not a question of the sanity or insanity of the prisoner, it has to do with what ought to be the real object of these institutions--and that is to try and do something which shall make society as whole better; and to do something with the raw

March 18, 1925. (cont'd.)

Sir Henry Drayton:

material, bad as it very often is, which is put in our hands. We are all agreed that an idle life captivity is the worst thing that any man could experience. Next, a man should be kept at something which is not unproductive and barren of results. Those are the two outstanding features in connection with prison reform. If there is anything which we must do it is to see that these institutions which we maintain at great cost shall perform some useful function. That is the first duty incumbent upon us. The next thing--and I must hurry if I would conclude my remarks before six o'clock--is that if we are going to have productive work, in expecting the criminal to give society a square deal we must adopt the idea of giving a square deal to the criminal. Then, the least we can do is look after his family. I was a crown attorney myself for years. If there is a terrible time in the life of any man it is when the time arrives for him to enter a gaol for a greater or less period, without friends, with no one to whom he can turn, feeling that as a result of his incarceration his family will be turned out into the street. That is a most depressing feeling.

Mr. Martell:

What is complained of in connection with the resolution is that it seeks the enactment of a law which would enable a criminal to receive wages exactly as if he were competing with an honest fellow citizen outside.

Sir Henry Drayton:

My hon. friend is wrong in his idea that the man in gaol is going to receive the same wages as a worker outside. That is an impossible provision, it cannot be carried out. The whole idea of the resolution is to give the convict some chance at least of starting again; and I am going to ask my hon. friend to withdraw his amendment

March 18, 1925. (cont'd.)

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Sir Henry Drayton:

and allow the motion to go through as it is. I can assure him that there is no possible chance of any large sum being earned by the inmate of a penitentiary. Even if that were possible the poor fellow has been a long time down and out and out and has pretty well earned what he should receive.

There are several other points I should like to refer to but I shall not do so because I have no wish to delay this resolution. I will, however, repeat this observation: If there is one thing more necessary than anything else it is that the man when he is discharged from the penitentiary should at least have in his possession some means to enable him to make his way in the world again.

Mr. Speaker:

The question is on the amendment.

Mr. W. G. McQuarrie (New Westminster):

Mr. Speaker--

An hon. Member: Let us have a vote, do not bury the resolution.

Mr. McQuarrie:

As has already been stated this is an important resolution--

Mr. Brown:

Therefore we want to vote on it.

Mr. McQuarrie:

Yes?

Mr. Logan:

You are burying it.

Mr. McQuarrie:

I want to vote on it but I want to do so in a proper way. We should not be forced to vote on a resolution of this kind without being afforded an opportunity of discussing it if we so desire. That is my point. Very well. If the debate on this resolution is

March 18, 1925. (cont'd.)

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Mr. McQuarrie:

not concluded to-day, it does not mean that the matter is closed. If the Minister of Justice (Mr. Lapointe) is in favour of it and will support the resolution, it is open to him--and the proper course for him to pursue --to bring in legislation as a government measure, which no doubt he will do.

Mr. Lapointe:

We will have to convince both the government and parliament.

Sir Henry Drayton: *[unclear]*

Parliament is ready.

Mr. Martell:

Parliament is not ready.

Mr. McQuarrie:

Surely this government is strong enough, with the support of my good friends to my left to put through any measure which they consider right and proper.

Mr. Lapointe:

I thank my hon. friend for the information.

Miss Macphail:

I would ask my hon. friend if he is strong enough to bear on his shoulders the weight of the responsibility for the defeat of this resolution ~~for~~ the defeat of this resolution for the purpose of hearing himself talk?

Mr. McQuarrie:

I am quite sure all hon. members have tried to be nice to the lady member for Southeast Grey (Miss Macphail) and far be it from me to say anything of an unkind nature.

Mr. Speaker: *[unclear]*

I think the remark of the hon member for Southeast Grey is uncalled for. Every Hon. member is entitled to speak and should not

Mr. McQuarrie:

be interrupted, as the hon. member has just been. The hon. member is speaking on the question and is exercising his undoubted right.

Mr. McQuarrie:

I have a penitentiary in my town. I have not been in as many penitentiaries as the hon. member for Brandon (Mr. Forke) but I know something about the matter.

Mr. Forke:

I never was in one.

Mr. McQuarrie:

I apologize, but I understood my hon. friend to say he had been in all the penitentiaries in Canada. I stand corrected. I have been in the penitentiary at New Westminster and I was able to get out the same day. I have had the privilege of going through that institution, and had the privilege quite recently, shortly before I came to attend this session. I was invited by the warden to come out there and see what improvements had been made. He took me through the institution and showed me the work that had been done. I think there is enough work to keep the convicts busy for some years making improvements to the institution itself. There is a great deal of necessary work to be done.

At six o'clock the House adjourned, without question being put, pursuant to rule.

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HOUSE OF COMMONS DEBATES VOL. V. 1925.

June 15, 1925.

PRISONS AND REFORMATORIES ACT AMENDMENT.

Hon. Ernest Lapointe (Minister of Justice) moved the first reading of Bill No. 206, to amend the Prisons and Reformatories Act.

He said:

This bill provides that any female person in the Maritime provinces being a Protestant above the age of sixteen who is convicted of an offence punishable by imprisonment for at least two months may be sentenced to imprisonment in the Inter-provincial Home for Young Women at Coverdale, in the county of Albert, in the province of New Brunswick.

Motion agreed to and bill read the first time.

4240

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HOUSE OF COMMONS DEBATES VOL. V. 1925.

June 18, 1925.

PRISON REFORM.

Mr. Church:

1. Is it the intention of the government to so readjust and add to the number of trades or industrial output of penal institutions so that all inmates may find work and thus enable the families, wives, children and dependents of inmates to receive pay? If not, why?
2. Will anything be done this session, or an opportunity given of continuing the adjourned debate on this question before the House prorogues?

Hon. Mr. Lapointe:

1. and 2. Under consideration.

PP 4435

June 18, 1925.

JUVENILES IN PENITENTIARY.

Mr. Church:

1. How many juveniles under 18 are now detained in the penitentiaries of Canada, where, and how many are 16 or under, 17, 18 and 19 years of age?
2. Is it the intention of the Government to give effect to the recommendations for years of grand juries and public bodies to provide separate institutions for these cases? If not, why?
3. Is it the intention of the Governemtn to so readjust the rules of these institutions so that juveniles and first offenders will have preferential rules and also a better classification consideration to those of repeaters?
4. Is it the intention of the Government in the recess of Parliament to appoint a Royal Commission or Committee of the House to go into the whole question of prison reform in Canada as suggested in the debates in Hansard, 1922? If not, why not?

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HOUSE OF COMMONS DEBATES VOL. V. 1925.June 18, 1925.SUPPLY--PUBLIC WORKS.

Mr. Caldwell: Is any departmental furniture made in the penitentiaries?

Mr. King (Kootenay): I think we have bought some tables and chairs and brooms from the penitentiaries.

Mr. Caldwell: Does not the government think it would be a good plan to have all the furniture fro the departments made in the penitentiaries.

Mr. King: I think that question has been under consideration.

Mr. Caldwell: I think it has been suggested from time immemorial that the inmates of the penitentiaries should be given more work, that they should be self-sustained, that that would help towards defraying the big expenditure on account of the penitentiaries.

I think sufficient work should be given to enable the inmates to be kept busy. Furniture making is an occupation that a man can learn pretty quickly. It is not very technical, and I think the government would be well advised to have all the furniture for all the departments made in the penitentiaries.

Mr. King: The Penitentiaries branch have an agent who is in and out fo the departments all the time, and we do buy a certain amount from the penitentiaries, but not exlmsively from them.

Mr. Caldwell: The penitentiaries make furniture, and why do not the departments get all their furniture supplies from them?

Mr. King: That is an old question. It has been discussed many times. but there are difficulties in the way.

Mr. Power: Why don't they grow potatoes and wheat too?

Mr. Caldwell: There is nothing to prevent them growing potatoes, although I might say that more potatoes they grew within the last year or two, the further they would be in debt. I would rather

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June 18, 1925. (cont'd.)

see them working at something there would be money in.

Mr. Stewart (Argenteuil); We are buying more than we use to from the penitentiaries.

Mr. Caldwell: I am convinced that it is through pressure from firms who are manufacturing furniture that the government do not buy more furniture from the penitentiaries.

Mr. King: There are some styles of furniture they can make in the penitentiaries, but generally speaking they could not fill amny of the requirements of the government.

Mr. Caldwell: What percentage of the government's furniture is manufactured in the penitentiaries?

Mr. King: I have not that information, but I know there has been a tendency in recent years to give more of this work to the penitentiaries.

Mr. Brown: I think the policy should be pursued of making all these institutions as nearly self-supporting as possible. The hon. gentleman across the way asked, why do these institutions not grow potatoes and wheat. I can only say they do.

Mr. Power: For themselves.

Mr. Brown; Not only for themselves. The asylum at Brandon I know has a very expert hog raiser in charge, and he takes car after car of hogs, and sells them on the Winnipeg market in competition with the farmers' hogs. I am not objecting to that. Nobody is complaining about it, but when the question is put up to us, why don't they grow potatoes and wheat, I simply say they do. These institutions should all grow as much as possible of the begetables and the food that they need. I think it is only a matter of sound public policy that that should be done. These institutions are necessary for taking care of various classes in the community, some who are insane, some who are morally derelict and have to be taken under the law, and this is a burden which the country necessarily has to bear,

June 18, 1925. (cont'd.)

Mr. Brown:

but the support of these institutions should not be made an occasion for furnishing other people with the opportunity to sell their supplies. I think these institutions as much as possible might be used not only to provide for themselves but to provide for the needs of the government. I know there are objections, but personally I have none to allowing the output of these institutions to be put on the market under fair competition, not cut-throat competition, with the products of free labour. There is no reason why, because men have had to be taken care of by the state they should be deprived of the opportunity of earning something--

Mr. Power: How could my hon. friend establish fair competition in the matter of wages?

Mr. Brown: By selling at even prices with products of free labour. I think we can pursue much further than we have done the policy of making all these institutions self-supporting.

Mr. Caldwell: The fact that the institutions called the penitentiary is making supplies for the government is not on a par with a case where an institution is manufacturing for sale in the open market. This is simply one department under government control. It is one of the government institutions and I do not see any good reason why the manufacturer of one article should object to the government having one department under their care manufacturing goods which they need in some of their departments. That is not manufacturing articles to be placed in the open market in competition with the products of other manufacturers. If the goods were to be placed in the open market some objection might legitimately be made. I do not think they have any case at all--when they object to the penitentiaries manufacturing anything they can produce for the government's own use.

June 18, 1925. (cont'd.)

Mr. Caldwell:

That is common sense, sound policy and fair and right to everybody.

I do not think it is fair to the taxpayers to make them pay taxes to maintain an institution that can maintain ~~xxxxxx~~ itself by manufacturing goods needed in some other department of the government.

June 19, 1925.

Prison and Reformatories Act Amendment.

Hon. Ernest Lapointe (Minister of Justice) moved the second reading of Bill 206, to amend the Prison and Reformatories Act.

Motion agreed to, bill read the second time and the House went into committee thereon, Mr. Gordon in the Chair.

(On section 1. interprovincial home for women at Moncton.)

Mr. Meighen: This bill, in the clash and terror of the last hours of the session, has no explanations at all. We will have to depend a lot on the minister here.

Mr. Lapointe: Last year the chapter which is repealed by section 1 was enacted for this same institution, but the bill placed the institution in the same class as the Maritime home for girls at Truro. It happens that the latter institution is for girls under sixteen, whereas the institution dealt with here, which is properly known as the Interprovincial Home for Young Women at Coverdale in the county of Albert, New Brunswick, is for girls over sixteen.

Mr. Meighen: I understand that section 162 of the Prisons and Reformatories Act, which applies to the Truro school, was made to apply to this school, and that is now to be repealed. Does the rest of the bill make regulations for this school?

Mr. Lapointe: Yes, the same provisions as those which apply to other similar institutions throughout Canada.

Mr. Church: While this bill applies only to one province and to one institution, still, the principle involved in it is Dominion-wide. Why are juveniles from sixteen to eighteen years of age kept in these federal institutions? It is no place for them. Could not the minister in the recess of parliament take this matter up with a view to providing separate institutions, either alone or jointly with the provinces? The figures show a large number of children housed in these

places. Can not some better plan be adopted?

Mr. Lapointe: It will be seen by a reference to the Prisons and Reformatories Act, chapter 148 of the revised statutes, that there are similar institutions in Ontario. I think the one similar to this would be the Andrew Mercer Ontario Reformatory for Females. The same provisions apply to this institution as to the one we are dealing with.

(On section 2--Protestant women over sixteen years may be sentenced to extended or substituted imprisonment in Interprovincial Home at Coverdale, N.B.)

Mr. Meighen: This merely provides for the power of sentence to be applicable to this home in place of a penitentiary?

Mr. Lapointe: Yes.

Mr. Meighen: Why should we provide the home? Do we do that in all the provinces?

Mr. Lapointe: We are not providing the home; the provinces do that. We are simply giving the authority to send prisoners there.

Mr. Caldwell: I think the funds are provided not by the provincial governments, but by different churches in the Maritime provinces.

Mr. Lapointe: I believe that is right. The amounts may be contributed by private subscriptions or by the efforts of associations or organizations, but the institutions are under the supervision of the provinces. I know the various protestant churches have been very anxious to have this legislation put through before the session is over. I have been receiving telegrams and representations from almost every member from New Brunswick in the parliament.

Section agreed to.

Bill reported, read the third time and passed.

June 26, 1925.

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(P4977-4978)

Mr. Speaker: By leave of the House, and its unanimous consent, Mr.

Robb moves seconded by Mr. Graham, for leave to introduce Bill No. 239 to amend the Civil Service Superannuation Act, 1924.

Motion agreed to and bill read the first time.

Mr. Robb moved the second reading of the bill.

Motion agreed to, bill read the second time, and the House went into Committee thereon, Mr. Gordon in the Chair.

Mr. Ross Kingston: I would ask the minister if this act would cover the cases of some seven or eight guards or more in the penitentiary who would have to pay into the superannuation fund a large sum of money in order to get the benefits of this act. The officials who have been there for twenty-odd years have not the amount of money that it is necessary to pay into the new superannuation fund in order to bring under the act. At the same time, they have laid up a gratuity in some cases of some two thousand dollars or more, which would come to them in case of resignation from the service. Now these few officials would like some change in the Superannuation Act, so that instead of paying in the lump sum that is required to come in under the new act, they shall be credited with the amount that has accumulated to their credit after twenty-five or twenty-six years service. They are withheld from entering into the superannuation scheme on account of the large amount of money, some \$1,500, which they would have to pay in a lump sum to come under the scheme. I would like to ask the minister in charge or the Minister of Justice or the Minister of Labour if their case will be considered, and an amendment made to the act so as to permit of some change being made in their case.

Mr. Robb: This amendment does not change their status in any way.

It does not in any way change the Superannuation Act, except as to

The first of these is the fact that the human race is not a single, uniform entity, but is composed of many different groups, each with its own distinct characteristics. These groups are often referred to as "races" or "peoples," and they are distinguished by their physical features, such as skin color, hair color, and eye color. However, it is important to note that these physical features are not necessarily inherited, and they can vary greatly within a single group. For example, some people of African descent have light skin, while some people of European descent have dark skin. This is why it is so difficult to define a "race" based on physical characteristics alone.

The second of these points is the fact that the human race is not a static entity, but is constantly changing. This is due to a variety of factors, including migration, interbreeding, and natural selection. As a result, the human race is always in the process of evolving, and it is never the same as it was in the past. This is why it is so difficult to study the human race as a single, uniform entity, and why it is so important to study the different groups that make up the human race.

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June 26, 1925. (cont'd.)

extending the time of election. I know there have been representations made to us from various sources to widen the act, but we have refused to meddle with it at all. We propose to let it have another year's operation.

Mr. Ross (Kingston): Might I ask the Minister of Labour or the Minister of Justice to make some statement that the cases of these men will be considered? I think they will agree with me that it is impossible for these men to pay in that lump sum of money.

Mr. Murdock: There are a considerable number of employees in the service in somewhat the same position. For instance, down at the Printing Bureau we have several hundred employees who are not now under this Superannuation Act that was passed last year. That situation and a number of similar situations possibly should be dealt with by parliament at some time, but this amendment does not change the situation at all in relation to the employees my hon. friend speaks about, except to give them one year longer to in order to elect which they shall do.

Mr. Ross: May I point out that in the meantime these employees are taking great chances. There is a case now, and it will come up in the supplementary estimates, of an employee with about twenty-six years' service who became sick. If he had been informed that he was going to die within a very short time, he could have resigned, but he died and he lost his \$1,800. He was not under the Superannuation Act. A number of these sad cases may arise, and I think the minister would be doing a very creditable thing if he would assure us that their case will receive immediate consideration. I shall have something further to say on this matter when the estimates come up.

June 26, 1925.

SUPPLY--Justice.

PENITENTIARIES.

Kingston	\$419,000
St. Vincent de Paul.....	385,500
Dorchester.....	241,500
Manitoba.....	203,600
British Columbia.....	151,000
Alberta.....	3,000
Saskatchewan.....	245,000
General.....	1,400
	<u>\$1,650,000</u>

Mr. Ross(Kingston): I would like to bring to the minister's attention in connection with this item a matter we have already discussed once or twice; that is the question of a few employees who have served a great many years in the penitentiary and who, if they elected to come under the Superannuation Act, would have to put up more than they can possibly spare. For example, some of them would have to put up \$1,400 or \$1,500 in a bulk sum in order to qualify under the Superannuation Act; or to qualify by payments from year to year, say ten, twelve or fifteen years; they would have to put up \$300 or \$400 a year. That is a hardship for men who have served 20 or 25 years. The situation with regard to these men is peculiar, in that while they have not been under the Superannuation Act, they have been in a position where they would get a gratuity; but that gratuity is also in a peculiar position in this way; that they might put in 25 or 26 years good, faithful service, and by some little slip would lose the whole gratuity which they believed had been accumulating for themselves or for their widows or children. I think there are two or three similar cases. For instance, there is now under item 398 an allowance for the wife of the late John L. Berrigan. He had served in the penitentiary for a very long time. He was taken ill and died suddenly. His widow is now being given a compassionate

5040-5041

THE HISTORY OF THE

REIGN OF

CHARLES THE FIRST

1625-1649

By
JAMES CLYDE
OF THE BARRISTERS AT LAW
IN THE MIDDLE TEMPLE
LONDON
Printed by J. Sturges, at the Sign of the Gun, in St. Dunstons Church-yard, near the North Gate of the City.
1725

THE HISTORY OF THE REIGN OF CHARLES THE FIRST, BY JAMES CLYDE, OF THE BARRISTERS AT LAW, IN THE MIDDLE TEMPLE. LONDON, Printed by J. Sturges, at the Sign of the Gun, in St. Dunstons Church-yard, near the North Gate of the City. 1725.

CHARLES THE FIRST, King of Great Britain, Ireland, France, and Navarre, was born at Windsor, the 29th of March, 1600. His father, James VI. King of Scotland, and his mother, Mary II. Queen of Scots, were both of the House of Stuart. He was educated in the University of Edinburgh, and afterwards in France, where he spent several years of his youth. He was crowned King of Great Britain, Ireland, France, and Navarre, on the 27th of February, 1625. His reign was marked by a series of events which led to the English Civil War, and ultimately to his execution on the 30th of January, 1649.

At the beginning of his reign, Charles was faced with the problem of the succession. His father, James VI., had died in 1603, and his son, James VI., had succeeded him as King of Scotland. James VI. had no children, and his only daughter, Mary II., was married to the French King, Louis XIII. This situation created a problem for the English, who were concerned about the possibility of a French claim to the English throne. Charles, as the son of James VI., was the only person who could claim the throne of England, and he was determined to assert his right to it.

One of the first acts of Charles's reign was the dissolution of the Short Parliament in 1629. This was a move towards absolutism, and it was a sign of the king's determination to rule without the consent of the people. The Short Parliament had been called by Charles in 1629, and it had lasted for only three weeks. It had been dissolved because it had refused to grant the king the money he needed to carry out his policies.

Charles's policies were based on the idea of the divine right of kings. He believed that he was appointed by God to rule, and that he was not accountable to the people. This was a controversial view, and it led to a series of conflicts with the English people. Charles's policies were also based on the idea of the divine right of kings. He believed that he was appointed by God to rule, and that he was not accountable to the people. This was a controversial view, and it led to a series of conflicts with the English people.

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June 26, 1925. (cont'd.)

allowance of about \$900, whereas had Mr. Berrigan lived he would have been entitled to \$1,800. There is also the case of another man who served a great many years; he would have been entitled to \$1,800 but while his papers were being put through he died. I draw the minister's attention to the fact that to-night there was a small vote put through, item 489, in a similar case. If this can be done in one department, I think it should be done in another. In this case the widow gets \$3,240 gratuity as a matter of compassion, because her husband died while the papers for his superannuation were going through. I would like the minister to take into consideration these few old employees who must now lose superannuation or else be able to put up a bulk sum of \$1,400 or \$1,500. Could the minister not suggest to the commission that, as there is a gratuity now which would amount to about \$2,000 for these employees, about \$1,500 of that should be laid aside, to be contributed to the superannuation fund as their share, and permit them to share in the benefits of the fund?

Mr. Lapointe: As to the employees referred to, my hon. friend spoke to me about them, but I am afraid that under the law as it stands we cannot come to their assistance. They have everything they are entitled to. We are giving the children half of what the father would have been entitled to if he had resigned under the law. This is according to precedent, what had been paid by my predecessor in the department under similar circumstances. I think Mr. Doherty recommended this practice when he was in charge of the department.

June 26, 1925. (cont'd.)

Mr. Ross: Then service seems to count for little. The man who enters the service can get the benefit of the Superannuation Act, while those who have given twenty or twenty-five years of good, faithful service cannot.

Mr. Lapointe: My hon. friend knows they are in exactly the same position as other members of the service. They have to pay certain amounts if they want to come under the act. The other employees are doing that, and I do not see how we can dispense with it in their case.

Mr. Ross: I know they do but it strikes severely upon those who have now just four or five years to complete their service before they could retire with a gratuity.

Mr. Lapointe: I agree with that.

Mr. Ross: I think they are so few the government could consider some change in the act or some favourable agreement with them. Otherwise one or two will share the fate of Mr. Berrigan who had earned \$1,800. If he had been informed that his illness was serious, he could have retired and secured the \$1,800 which he had faithfully earned. It was his, but just by a little mishap his wife will lose \$1,800.

The other case I want to refer to is that of a man who had served his whole time, Mr. Young, and who, when his papers were going through for his resignation, died and nothing was done. This is a very similar case.

Mr. Lapointe: How long ago is that?

Mr. Ross: Some years ago.

Mr. Lapointe: About fifteen years ago, I understand. My hon. friend may be assured that I will take every word he has said into consideration and discuss with the Acting Minister of Finance the possibility of an amendment to the act.

June 26, 1925. (cont'd.)

Mr. Meighen: I notice all excepting one of the penitentiaries are increasing their working expenses. What is the reason?

Mr. Lapointe: It is for remodelling of the buildings. During the war this had been neglected.

Mr. Meighen: How is the penitentiary population compared with that of previous years?

Mr. Lapointe: There are 2,345 inmates in the penitentiaries at this time. At the end of the fiscal year, 1924, there were 2,373. There is a decrease of 28.

Item agreed to.

To pay a compassionate allowance to the children of the late John L. Berrigan, guard, Kingston penitentiary, \$905.

To increase the pension of William Patton, ex-guard, Kingston Penitentiary, to \$47 per month, \$312.

Mr. Ross: I appeal again to the minister. This man Berrigan should get a little better treatment than that. He should have known that he could not recover and he should have been permitted to resign. In that case he would have had \$1,800.

Mr. Lapointe: Berrigan died suddenly on May 24. He had not resigned his position at the time. Really, what we are giving is by ~~law~~ way of a compassionate allowance. Under the law we would not be bound to give anything. I think my hon. friend will agree with me as to that. I understand the youngest is nineteen years old.

Mr. Ross: I quite agree with that, but Berrigan did not die suddenly. He was sick long enough to know he could not recover. Charity applies in this case. Berrigan had earned his \$1,800 and he had also been injured.

Mr. Lapointe: We are doing pretty well by giving this compassionate allowance. There was no obligation to ask him to resign.

June 26, 1925. (cont'd.)

Mr. Ross: What was the cause of his death?

Mr Lapointe: Pneumonia, I understand. He got three months' salary apart from this allowance.

Item agreed to.

HOUSE OF COMMONS DEBATES, VOL. 1. 1926.MARCH 15, 1926.DORCHESTER PENITENTIARY INQUIRY.

Mr. Doucet:

1. Was an inquiry held in connection with one Kane, ex-officer of the ~~Dorchester Penitentiary~~, in New Brunswick? If so, who conducted the inquiry?
2. Was the government represented by counsel? If so, by whom?
3. What were the disbursements, (a) for investigator; (b) counsel; (c) other expenses?

Hon. Mr. Lapointe:

1. Yes, Mr. James McQueen, Barrister, of Shediac.
 2. Yes, Hon. I. C. Rand, A.B., L.L.B., of Moncton.
 3. (a) \$1,154.90.
(b) 1,470.00.
(c) 3,100.35.
-

(pp 1543)

March 23, 1926.

Transfer of Prisoners.

Hon. J. W. Edwards: Is it the intention to transfer some eighty prisoners from Portsmouth to Stony Mountain penitentiary? If so, will the prisoners be ticketed, as on a former occasion, through the Canadian National Railways office in Ottawa, or will the minister issue instructions that the prisoners be ticketed through the Hanley ticket agency of the Canadian National Railways at Kingston, where the business originates, where the entraining takes place, and where the agent of the Canadian National Railways can and must give his personal supervision to the details of the work?

Hon. Ernest Lapointe: I will make the necessary inquiry and give the information to my hon. friend to-morrow.

MARCH 31, 1926.

(pp 2103)

PRISON REFORM.

2109

PRODUCTIVE WORK AND COMPENSATION FOR INMATES
OF PENITENTIARIES.

Miss Agnes Macphail (Southeast Grey) moved:

That, in the opinion of this House, the administration of penitentiaries be amended to provide: first, sufficient productive work to keep the inmates employed; and, second, that a share of the proceeds go to dependents, and in case of no dependents such share to be held in trust until release.

She said: Mr. Speaker, the resolution just read by yourself was presented by me to the House last year and was received very favourably. I think it would have been adopted by the House if six o'clock had not arrived too soon. I believe that no party, as a party, opposed it, and if I remember correctly only one individual member object to the resolution. I possibly should have inserted in the resolution a declaration that manufacturing operations in penitentiaries should be limited to state goods--that is goods needed by the state. In this case it would apply simply to goods required by the federal government, because there would be no control over provincial governments. That statement is not in the resolution, though it was my intention that it should be.

The object of penitentiaries is I suppose two-fold; first, to protect society by taking out of society those who are harmful to it and, second, to reform the criminal, making it safe for him to return to society again. The old idea of putting people in a place of confinement was one of revenge; that is, the confinement was one of revenge; This idea has been gradually changing until now we think of a penitentiary as a place where people are reformed so as to be made fit again to come out into society. I should not like to say

March 31, 1926. (cont'd.)

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Miss Macphail: ~~that punishment does not enter into the reform of the criminal. I think it does; I think that it is just that it should. Possibly the most terrible punishment that can come to anyone is to have no freedom, to be confined, not to be able to move among one's fellows as one would wish. This terrifying punishment is the prisoner's and always will be. It is true, however, that the state should be above revenge.~~

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The committee of three appointed under the Right Hon. C.J. Doherty to advise upon the revision of penitentiary regulations and the penitentiary Act went into this question fully, and presented a report in which they state that the Penitentiary Act has not been changed for a very long time. They say:

The Penitentiary Act has from time to time been repealed and re-enacted and some of its provisions from time to time amended, but the present statute does not substantially differ from that passed in 1868.

There has been a great change in the public mind regarding the treatment of prisoners, regarding, indeed, what is meant by punishment and penitentiaries, but the act has not been changed so as to keep pace with changing public opinion. All that is said in the present act in regard to what I am advocating, namely, productive work for prisoners with pay, is said on page 17:

Section 62, Imprisonment in a penitentiary shall be with hard labour, whether so directed in the sentence by which such imprisonment is adjudged or not.

Paragraph 3 of the same section reads:

The convicts may be employed in labour under the control of the crown; but no labour shall be let out to any company or person.

March 31, 1926. (cont'd.)

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The provision was a wise one that no labour should be let out to any company or person. But while convicts may be employed under the existing administration of penitentiaries, they are not employed in productive labour to the extent at least that those who are in charge of them would like. In regard to the pay of prisoners, the present act states that when a man is freed and leaves the penitentiary he is--

--furnished with a suit of clothing other than prison clothing, and with transportation to the place at which he received his sentence, and such other sum in addition, not exceeding ten dollars, as the warden deems proper.

That is all the provision that is made in the present act for productive employment with pay for prisoners. Inasmuch as this report prepared under the direction of the Right Hon. C.J. Doherty was exhaustive and was made with a view to amending the administration of penitentiaries and the act itself, we should put a good deal of reliance upon it. This report emphatically recommends that prisoners be given work and be paid for their labour. On page 21 of the report, after leading up to this conclusion, they say:

The committee, therefore, most emphatically recommends statutory provision to provide productive labour for all convicts. Such provision need not extend to any work except for what is known as "state use" and can, in Canada, not extend any compulsion beyond the federal service, but the evidence taken by the committee has satisfied it that manufacturers within this limitation will afford much more than ample scope for all the industry and activity which the penitentiaries can put forth.

Further down on page 21, with regard to pay they say:

The mere provision of work is not, in the opinion of the committee, sufficient. That the heaviest penalty for a crime is

March 31, 1926. (cont'd.)

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Miss Macphail:

paid not by the criminal, but by his dependents has been chiefly emphasized before the committee, not by philanthropists and charitable workers but by judicial, police and penitentiary officers of long standing. Their views are based upon the unfortunate and expensive social consequences of the pauperization of decent women and children, upon the destruction of the convict's sole anchor holding him to decency of conduct after discharge.

I need not read all the report. It concludes:

If anything but evil is to follow punishment by imprisonment for long terms, it is, in the opinion of the committee, essential that such provision should be made as will allow the convicts to earn at least something towards the support of his dependents during this confinement or of himself after his release.

I will give briefly a list of associations that I know of that favour this or a similar resolution, or at least this principle:

The Canadian Prisoners' Welfare Association; General Secretary, John Kidman, Montreal.

The Child Welfare Bureau of Canada; Secretary, Charlotte Whitton.

Neighbourhood Workers' Associations--79 organizations in the city of Toronto; Secretary, F.N. Stapleford.

The Trades and Labour Council of Canada.

The United Farmers of Ontario.

Superintendent of Penitentiaries, Brigadier-General Hughes.

The Wardens of all the penitentiaries.

Canadian Bar Association.

Committee of three appointed under the Right Hon. Mr. Doherty.

So we see that those who are most interested, not only in the welfare of prisoners, not only in the protection of society, but in the welfare of the women and children that are left helplessly

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March 31, 1926. (cont'd.)

Miss Macphail:

upon society, are recommending that this step be taken at this time by the government.

I am going to quote briefly from the report of 1921 by the Superintendent of Penitentiaries, Brigadier-General Hughes:

The inmates of the penitentiaries are the wards of the Dominion government and there is no valid reason why goods required for state use, and state use only, should not be made, as far as possible, in the penitentiaries. The government spends many thousands of dollars yearly for furniture, furnishing, and equipment of various kinds, a small portion of which could be made in the penitentiaries. The revenue derived from this source would enable the institutions to pay each inmate on his discharge, or to his family while he is in prison, a small wage, which would materially assist the stricken family in keeping the wolf from the door while the wage-earner is incarcerated; or, in case the inmate had no family responsibilities, would furnish him with sufficient funds on discharge to assist him in making a fresh start in life.

The Superintendent of Penitentiaries goes on to point out that he has recommended the same thing in his reports of 1896, 1897, 1905, 1909, 1913, 1914, and 1915; I have read the reports of 1919, 1921, and 1923, and he has continued to ask for this thing which up to the present has not been granted.

One could quote in a way that might weary the House from the reports of the superintendent and from the reports of the wardens of the penitentiaries, the different wardens asking that work be provided for the prisoners under their charge. The situation is not as difficult in a penitentiary where building is still going on, where the prisoners can be employed in building their own prison.

March 31, 1926. (cont'd.)

Miss Macphail:

The men are kept at work; they are more contented, and the duty of keeping them in order is a simpler one although it is true they do not get any pay for the work that they do.

I quoted last year, and I do not intend to repeat it this year, various authorities on prisons and prisoners in different countries throughout the world, and they are in absolute agreement that you cannot reform a prisoner unless you keep him busy and contented. They are in agreement that it is a very bad thing to break the most tender link, if there is any tenderness and human feeling left in him, that binds the prisoner to his home. As it is, this ~~xxxxxx~~ link is broken ruthlessly. It is felt that this is the worst thing that can happen to the prisoner, his dependents and society as a whole.

There is a general feeling among social workers that it is unwise to release prisoners, whether men or women, from the responsibility of their families. In the case of men there is a tendency not to want again to assume that responsibility, and the effect on the families themselves is injurious. The wives and children being forced out into the streets where they become criminals. This would not happen if they had enough money to keep them at home where they could be brought up by mothers who, in some cases at any rate, are very far from criminal in type.

I should think that there would be a strong tendency toward embittering the whole family by the treatment which it now receives in consequence of the breadwinner being sent to prison. The family is innocent of any offence and yet it is called upon to bear the brunt of the burden. This, I am sure, cannot inspire them with any great respect for the law or society at large. But you may look at the matter in another light: why should hard working

March 31, 1926. (cont'd.)

Miss Macphail: ~~people be asked to pay to keep prisoners in idleness, and to support their families who have no means of helping themselves? Those of us who for the time being at least are out of prison life have to bear the expense of keeping the whole family unit in two different places in a manner that is exceedingly expensive to us and quite disastrous to the family.~~

I believe that work would make for discipline, which possibly is one of the grave problems in the conduct of prisons at present. Work would render prison discipline much easier than it can be where the prisoners are in idleness. As a matter of fact, good behaviour where there is no work is not possible. The objection that is usually made to this reform which I am asking for is that labour is opposed to it; labour is opposed to prisoners putting the product of their toil upon even a restricted market such as might be afforded by the state. But that objection will no longer hold. In 1920 the Trades and Labour Congress of Canada at its annual convention held in Windsor between the 13th and 18th September asked for the appointment of a committee to inquire into the administration of prisons, and requested that labour be given a place on that committee. The committee was appointed and labour was included on it, Mr. Biggar being its representative on a body of three. Labour in 1924, at the annual meeting of the Trades and Labour Congress of Canada held in London between September 15 and 19, endorsed not only this principle contained in the report, but the entire report, and asked parliament to pass an act to give effect to such prison reform as was recommended in the report of the special advisory committee on Prison Reform of 1921. So that labour, as such, does not object to this reform.

March 31, 1926. (cont'd.)

Miss Macphail:

The cost of penitentiaries in Canada for the year 1923 was \$1,441,900.93: the cost of a conviction is \$1,200. Now, by giving the prisoner work you would help him to make a more harmonious adjustment to life upon his release and to some extent, at any rate, prevent a recurrence of conviction. If we can do that we shall effect a saving. If, too, the productive work is increased until such time as the prisoners earn enough to keep themselves, we shall lift from the state the burden of this sum of money which must be ~~annually~~ voted by the tax-payers from year to year, amounting to approximately a million and half.

Before this resolution came up last year I received a letter from Brigadier General Hughes. He said:

I note with pleasure, from parliamentary publication, that you have given notice of a motion regarding the providing of work in the penitentiaries. While the revenue from this source has been increased from \$53,000 to \$167,000, we are still only doing about one-tenth of what we are capable of undertaking.

In conversation with Brigadier General Hughes I judged that, with the equipment they now have, if they could get work for the prisoners to do they could accomplish nine-tenths more than they are able to perform now.

The mayors of our cities and towns and the reeves of the various municipalities often find themselves in a quandary. They have the prisoner's family on their hands. The bread-winner is in prison where possibly he ought to be, and the head of the municipality, while he does not want to interfere with justice, while he does not want the man at large if prison is the proper place for him, dislikes on the other hand having to shoulder the burden

March 31, 1926. (cont'd.)

Miss Macphail:

of supporting the family. In fact, too often prisoners are released, not because they are ready once more to enter society as good citizens, or because their time has expired, but simply because pressure has been brought to bear upon the authorities to have them released so that they may take up agin the task of caring for their families.

This proposal of providing productive work for prisoners, with pay, has been successfully tried in Jackson penitentiary, Michigan, as well as in Minnesotat. These are the two outstanding successes. The plan has also been tried in New Jersey and New York. Let me quote from my speech of last year: Mr. Vasaly, speaking for the Minnesota Penitentiary Board says:

In the first place our prison earns its support; it saves the state something like \$360,000 a year in that respect.

Redding later reports I find that they provided a large sum, described as a revolving fund, of some \$6,000,000 with which they buy the raw materials required for their work. This officer was very much pleased with the success of the plan and he writes:

In that connection let me say that I know of no greater aid to prison discipline than wages.... The prisoner is contented because he is working. He is contented because he is earning something for his family. These things put together have great effect on discipline and make the prisoners more content and make them feel much more hopeful than they could otherwise be. It seems to me any system of prisoner labour, no matter what it may be, that does not take into account that side of things, the creation of contentment and hopefulness in the prisoner, not only with regard to himself but his family, is a mistake.

March 31, 1926. (cont'd.)

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Miss Macphail:

In the year ending June 30, 1917, Jackson penitentiary had made a net profit of \$156,000 after paying all expenses of the institution and making proper allowances for depreciation on buildings and machinery, paying wages to the inmates and providing food, clothing and other necessities.

Mr. Neill: What rate of wages was paid?

Miss Macphail: The wages ranged from ten cents to \$1.50, to which must be added cost of shelter, food, clothing, medical attention, chemistry, and so on.

Mr. Hamilton: What proportion of the prisoners who have received, wither through parole or otherwise, treatment which can be considered kindly, have returned to the penitentiaries after release? Has the hon. member any record of that?

Miss Macphail: That information can be got from any superintendent's report. But the fact is that recurrent convictions are diminishing as time goes on. I do not recall it at the moment. However, the recurrence of convictions is lessening as time goes on possibly on account of the more humane methods of treating prisoners.

I do not want to dwell on this subject any longer. I appeal to the House to pass this resolution; I do not want six o'clock to arrive with the motion still undisposed of. Personally I am not interested in the resolution because I am going to do my utmost to avoid ever being placed in such a position as to need its provisions. But I do think that I can appeal to all hon. members to support this resolution on the grounds of economy, humanity, and common sense. Everybody conversant with the subject desires to see this policy carried out, and I see no reason why those who may not be as familiar with it should object to the realization of the desired end. It seems to me that our duty in the matter is obvious,

March 31, 1926. (cont'd.)

Miss Macphail:

and that we have the privilege this afternoon of demonstrating that we are as wise as our constituents conceive us to be. I hope that we shall all live up to that high standard by supporting this resolution.

Hon. J.W. Edwards: The few remarks I have to make will not I think offer any obstacle to the passage of the resolution this afternoon. Some years ago it was my privilege as a member of this House in consequence of certain reports that were brought to me to ask for an investigation into the conditions at the Portsmouth penitentiary. Because of that I had an opportunity to visit that institution and to estimate for myself the conditions as they prevailed at that time and I take a great deal of satisfaction in the fact that as a result of the investigation then made, very much-needed reforms resulted which took away from the people of Canada the reproach of continuing practices which were a disgrace absolutely to any civilized people.

There is, perhaps, no person so good as to have no bad in him. On the other hand, there is no person so bad as to be absolutely devoid of good. I encountered a striking instance of that, which I recorded on the pages of Hansard some years ago. I had made an application to the then Minister of Justice for the release of a prisoner who had been sentenced to imprisonment for life, on the condition that he would immediately go overseas. The family from which this convict came was highly respected and this man was the only black sheep of that family. But after several years' confinement in the institution--during which time he had the opportunity, I believe, of saving the life of at least one of the guards who was attacked by a fellow-convict, and, perhaps the life of another--his brother having gone overseas and made a good record had come back in shattered and broken health, this convict conceived

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HON. J.W. EDWARDS:

the idea of trying to wipe out his past by doing something which would be creditable to himself and to the family to which he belonged. That man was given the opportunity to go overseas, and whenever any dangerous task was to be performed he asked for the privilege of taking the risk. While overseas he gave up his life, and I received later a number of letters stating that the regiment to which he belonged gave this ex-convict all the honours they could accord him in his burial, firing a salute over his grave and holding impressive funeral services. I cite that instance to show, Sir, that no matter how unenviable may be the light in which society regards a man, the worst individual has in him some element of good if those in charge of our penal institutions only had the tact and good judgment to bring that good to the surface.

I have had the opportunity on many occasions of going to the penitentiary at Portsmouth, which is very close to the constituency I have the honour to represent, and I have noticed this fact; Those convicts who were engaged in such work as making boots, or brooms, or clothing--in fact, any work which required some activity of the mind--had an entirely different appearance from the men who were sitting on a block of wood from day to day breaking stone. One could not help being struck at once with the difference in the appearance of the two classes of men. There was some glimmer of intelligence in the eyes of those performing work demanding some mental activity; there was deadness in the eyes and general appearance of the men who were doing nothing but breaking stone. In the crushing or breaking of those stones the convict had a task which held no attraction for him and in which he could see no result. He was not only breaking stone but he was breaking his own health, and what was of more importance, in my judgment, he was crushing his

March 31, 1926. (cont'd.)

Hon. J.W. Edwards:

mental and moral fibre as effectively as he was crushing into dust the limestone that he hammered.

I believe this resolution is along the right lines. As the hon. member for Southeast Grey (Miss Macphail) has indicated, it is not a new matter; it has been under consideration on various occasions. I see no reason why these convicts should not be engaged in productive work and paid at a rate of wages on a sliding scale. I can conceive that even though the man is behind prison walls there is still a tie which unites him with the outside world--perhaps the only one that is left--namely, love for his home and family. And under our boasted civilization that family is forced to bear the burden of the convict's crime. To me that is the greatest tragedy of all. We feel that the man who is incarcerated because of his own misdeeds deserves the punishment awarded to him; but there is no one who does not feel that when that punishment reacts on the innocent wife and children there is something wrong with the conditions which make such a thing possible. Such a result may be inevitable, but it is not impossible for us to ameliorate those conditions so far as regards the wife and family. It is quite possible, within reasonable limits, to bring about that amelioration, and I submit that it is our bounden duty as civilized human beings who are desirous of doing the right thing to take the necessary steps toward that end.

It seems to me that a great many things required by the state might very well be standardized and produced by prison labour. Some good would flow from that, even if it resulted in nothing else than the taking out of the hands of officials the initiative in furnishing their own offices. For we observe that whereas some officials furnish their own offices reasonably and decently and at moderate expense to the public, others do so on a scale which would

March 31, 1926. (cont'd.)

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Hon. J. W. Edwards:

seem to indicate that they thought the public treasury was inexhaustible. I see no reason why one man sitting in an office should have a mahogany table while another man has a table made out of Canadian pine or maple. You can write just as well on the one as you can on the other. There are many things required by the state which could be produced by prison labour, and a rate of wages might be set on a sliding scale, which would be an inducement to the prisoner to conduct himself properly within the walls of the institution. A man might start, we will say, at 10 cents, 15 cents or 25 cents a day and be told that as his conduct warranted it that rate would be increased by 10 per cent, 15 percent or 20 per cent, to the extent that he was endeavouring to make some provision for those dependent upon him. Under those conditions, I venture to say that his conduct would become very much better. Not only that, but I presume it is in the mind of every convict that while perhaps he is being justly punished for his misdeeds, there is an element of injustice in that his family are obliged to suffer; that the state in punishing him--which punishment is warranted--is doing a wrong in carrying that punishment on so that it falls upon his wife and children.

It would like to see something done along this line. I believe it is in the right direction, and I merely wish, Mr. Speaker, without taking up any further time, to give my very strong support to the resolution proposed. I daresay it can be worked out by the government and the heads of the departments in such a way as not to harm the industries of the country, but rather to result in much good to the convicts and to their dependents.

Hon. Ernest Lapointe (Minister of Justice):

I supported a similar resolution last year, Mr. Speaker, and I am pleased to give my support again this year. I wish to congratulate

March 31, 1926. (cont'd.)

Hon. Ernest Lapointe:

the hon. member for Southeast Grey (Miss Macphail) for having brought this subject before the House; there can be no worthier subject for our consideration. There is no doubt that work must be given to the convicts in our penitentiaries; nothing could be worse than idleness, and if we give them work, I entirely agree with the hon. member for Frontenac-Addington that such work should be productive. The idea of former times which was to force prisoners to break stones, I can only characterize as being stupid and very dangerous to their well being. It was an idea which surely could not conduce to any reform, and after all reform should be the main idea with regard to convicts.

As my hon. friend said, the work could be done especially to meet government needs. At present, on account of the dilapidated condition of the buildings in most of the penitentiaries--with the exception of the Saskatchewan penitentiary, which is a new building--a fair portion of the inmates will be employed for some years to come in reconstructing, remodelling and repairing the buildings. For many years prior to 1919 very little work in the way of repairs was done to these buildings. As a matter of fact, only last week the warden of the Manitoba penitentiary asked that convicts be transferred to that institution on account of the large amount of work to be done in reconstruction. At the same time the warden of the Kingston penitentiary reported that he had not sufficient shop room to enable him to employ the number of inmates then confined there, and that from 75 to 100 of them might be removed to another institution. This we have done; 80 convicts have been transferred to the Manitoba penitentiary, where there is work for them.

We should have enough revenue-producing work to employ the inmates for whom employment cannot be found at reconstruction,

March 31, 1926. Cont'd.

Hon. Ernest Lapointe:

But of course this must be done gradually. I may say that this is the policy I intend to carry on so long as I am at the head of this department. The additional work must be taken on gradually, as shops can be remodelled and equipped with the necessary machinery. It is deemed advisable, of course, not to attempt too much until the institutions are prepared for the work. As the hon. member who moved this resolution indicated, improvements have already been made in that direction; there is a revenue of over \$160,000 yearly from penitentiaries.

Until 1888 I think contract work was carried on, but this has now been abolished. Prior to 1921 organized labour as a rule was opposed to work being done in the penitentiaries which might compete with free labour, even for the use of the departments of the government, but that opinion has been changed. Only this morning the government received a delegation from the Trades and Labour Council of Canada, and one of the requests made by that delegation was that the conclusions contained in the report of 1921 should be adopted and carried out. They believe that so far as the needs of the Government are concerned, the work might well be done by the prisoners. After this question was discussed here last year, the secretary of the Garment Manufacturers' Association wrote me - I think it was Mr. Sparks - objecting to the idea of having uniforms made in the penitentiaries, even for government use. I called to his attention a resolution passed by the garment manufacturers of the United States who, while opposing the prison manufacture of garments which would compete on the

March 31, 1926, Cont'd.

Hon. Ernest Lapointe:

market with free labour, had no objection to the manufacture of uniforms for the use of officers of the various departments. I indicated last year what was being done in the penitentiaries and what work could be done. I might perhaps state the classes of goods which might easily be made in our penitentiaries, and for which it would be very easy to have the necessary equipment:

All classes of canvas goods, such as tents, tarpaulins, flies, nose-bags, water-pails, packs of all descriptions, and so on; furniture of all descriptions in wood; all classes of galvanized iron and tin goods; clothing and the manufacture of uniforms-military, mounted police and other such; leather goods, including harness; bookbinding; boots and shoes; hickory handles of all descriptions; blacksmith shop work; machine shop work; stone cutting; broom making, and so forth. As I said, if all the departments of the government were giving orders for such articles, it would be an easy matter to keep the population in our penitentiaries busy. In the United States there is some co-operation between some of the states by which one state will give orders to the penitentiary of another state for special work, and in Canada I believe it might be possible to come to some agreement with the provinces where by the provinces might give orders to our penitentiaries for articles which they require for their own departments.

As to remuneration, this is a very important question. I believe a way might be found to give some regard to hard-working convicts who have a record of good behaviour in the penitentiary.. There is no doubt that the lure of gain or the hope of some improvement in their

March 31, 1926, Cont 'd.

Hon. Ernest Lapointe:

situation would be an incentive to good behaviour and to work. Of course a certain amount would have to be kept by the state, representing the expenditure to which the state was put for the upkeep of the convict, but a little might be set aside, not only for the dependents of the convicts but for the convict himself, because I am rather of the opinion that it is hard after having kept a man in penitentiary for six or seven or ten years to put him out on the street at the end of that time with only a suit of clothes and five dollars in his pocket, as we do at the present time. If he has reformed and wants to try to lead a good life henceforth, it is rather hard not to provide him with a little money to enable him to look around and live for a few days at least before he can find some work to do. This could be done by giving some remuneration to the well-behaved prisoners and such a system would provide us with the best kind of punishment, I think, because when a man had done something for which he deserves punishment, a fine might be imposed and deducted from the amount which he would have to his credit. This would be better than those punishments to which we have to resort at the present time. There is no need to talk of big sums at all. After the deductions are made for the cost of the convict's maintenance in the penitentiary and for any fines which may have been incurred- and also for tobacco; because the convict is allowed to smoke in some of the penitentiaries, at 4 P.M. least in the United States, at certain times- there would not be left a very great sum, but the amount would be very useful to the convict when he comes out of the penitentiary.

There is another thing which is not made the subject of the resolutions, but to which I am giving a good deal of thought, and that is the possibility of segregating the young convicts who are sentenced for the first

March 31, 1926. Cont'd.

Hon Ernest Lapointe:

time. Under present conditions they are mixed up with the hardened criminals, and that does not give them a chance. If we could find a way to build a special institution, or even two institutions, for the purpose of receiving and keeping these young men, rather than put them with the hardened criminals, I think that would be a good reform to undertake.

As I said at the beginning, I am strongly in favour of the principle embodied in this resolution. I shall certainly vote for it, and I hope the House will.

Motion agreed to.

HOUSE OF COMMONS DEBATES,

VOL. 111.

April 26, 1926.

Mr. McQuarrie:

Earlier in the session a resolution was introduced by the Hon. member for Southeast Grey (Miss Macphail) which called for better treatment for inmates of the penitentiaries and the payment of an allowance to them for work which they perform. It seems to me that before contemplating

anything of that kind the government might take into consideration the wages paid to the guards in the penitentiaries which are altogether too low. The current report of the Auditor General shows that nine industrial guards employed at the New Westminister penitentiary drew during the year in salary and bonus, a total of \$8,388, which would be \$932. per man. The four keepers drew \$6,003, or \$1,501 per man and the forty-seven plain guards drew \$42,973, which averages \$915 per man. These guards at the penitentiary are not employed on an eight hour day or six day week basis at all; they are engaged in continuous service. The government does not pretend that these sums adequately pay these men, but it rests on the plea of the necessity for economy. I understood the Minister of Justice to say that he was in favour of paying the convicts in the penitentiaries for the work they did. I would say to him: Before you do that look into the matter of the wages paid to the guards in the penitentiaries and give them a fair deal. They are not getting the standard rate of wages. We have in British Columbia, as in other provinces a standard rate of wages which must be paid in connection with all contracts awarded by municipalities, and other public bodies.

Mr. Fafard:

What were the salaries paid in 1920?

April 26, 1926 Cont'd.

Mr. McQuarrie:

I have not got those figures here. We find from the record of contracts for works awarded in the vicinity of the penitentiary in British Columbia that contractors are required to pay 45 cents per hour which means \$3.60 for an eight hour day. This in turn represents \$21.60 per week and \$93.60 per month, or \$1,123.20 per year. The penitentiary guards are entitled to a wage of at least equal to that and I think the government should do something on their behalf.

HOUSE OF COMMONS DEBATES.

April 27, 1926. ~~PARLIAMENTARY~~ VOL. 111.

CLEMENCY FOR PRINCE ALBERT PRISONERS.

On the Orders of the Day:

Mr. E.J. Garland (Bow River):

Two or three days ago I directed the attention of the Minister of Justice (Mr. Lapointe) to a petition which had been presented to the Department of Justice, signed by 3,500 persons, asking for clemency in the case of two prisoners now in Prince Albert, Cecil Terriss and Lewis MacDonald, who were convicted as a result of the strike that occurred last year. Has the Minister of Justice considered the petition and if so, what possible action may be expected in the matter.

Hon. Ernest Lapointe: (Minister of Justice):

I have received the petition and I may assure my hon. friend that it will be given due consideration.

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April 27, 1926.

VOLL. 111.

Mr. Tobin (Wetaskiwin):

Then we have the Amendment to the Penitentiaries Act, under which all inmates of penitentiaries are to be allowed to do useful work, apart of the proceeds of that work I understand to go to the dependents of the inmate, if he has any; otherwise to be kept in trust for himself. This move by the Government is a wise one. When inmates of a penitentiary are permitted to do useful work which agrees with them mentally, work that they know something about, they will not have time to reflect on their misdoings; they will not feel that the world is trying to take vengeance on them, and in many cases they will become reformed. There is some good in all people, and this reform will mean much. It is humanitarian and it is right. I am glad that this matter has been brought before the House and the hon. member (Miss Mcphail) deserves to be congratulated on her move in this direction.

(PP 2866)

THE UNIVERSITY OF CHICAGO

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(4343-VV)

HOUSE OF COMMONS DEBATES, VOL.V, 1926.

JUNE 23, 1926.

CUSTOMS INQUIRY- POINT OF ORDER.

Mr. Woodsworth:

I must remind the House that there was read only the other day in this House a telegram relating to those troubled times of 1919.

On June 17, Mr. Meighen wired to Mr. Andrews:

Notwithstanding any doubt I have as to the technical legality of the arrest and the detention at Stony Mountain I felt that rapid deportation is the best course now that the arrests are made, and later we can consider ratification.

It may be a serious thing, Mr. Speaker, to show leniency to a convicted criminal but I submit that it is a great deal more serious to deny to an innocent man the right of trial. The right hon. leader of the opposition admitted, inferentially at least, that he had doubts as to the legality of the arrests; he admitted that he had doubts as to the legality of the detention at Stony Mountain penitentiary but he said "Now that this action has been taken, an irregular action, I think the thing we should do is to have quick deportation, and then if there is any further trouble, we can regularize" - what were the exact words used? "later we can consider ratification". If there is danger on the one hand, do you mean to say there is no danger on the other?

I just want to say in closing my reference to that incident that one of the reasons I was sent to parliament was to endeavour to secure the repeal of that vicious legislation of 1919.

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Supply--Miscellaneous.

February 8, 1927. (pp 108)

Penitentiaries--British Columbia--to recoup Workmen's Compensation Board, province of British Columbia, payment made on behalf of late guard R.E. Farrell, killed on duty; and to provide for continuance of pension granted widow by board at the rate of \$50 a month, \$2,069.30.

Mr. Spencer: May we have particulars?

Mr. Ross (Kingston): Has the minister received a similar application in the case of guard Jenkins, who was killed on duty at the Kingston penitentiary? If so, what action has been taken?

Mr. Lapointe: I remember having received an application for the widow of a guard who was killed while on duty at the Kingston penitentiary. I will take the matter into consideration and let my friend have the information.

Mr. Ross; May it be reconsidered under some other vote?

Mr. Lapointe: It can be considered on the estimates of this year.

Mr. Edwards (Frontenac): May we take this item as an indication of the general line of policy which the government intends to follow in similar cases? For myself, I would be prepared to give my support to such a policy.

Mr. Lapointe: As my friend will see, we are merely paying what has been granted by the Workmen's Compensation Board of British Columbia; we are merely complying with the judgment of a court.

Mr. Edwards: But that does not cover the \$50 a month to the widow.

Mr. Lapointe: Yes, that pension was granted by the compensation board.

Mr. McGibbon: Would not the government be equally compelled by the practice of the Workmen's Compensation Board in Ontario to carry out the same policy?

CONFIDENTIAL

February 8, 1927. (cont'd.)

Mr. Lapointe: I think they would, but I will give my friend more information about this when we come to the main estimates, and probably before that date, because my friend from Frontenac speaks to me often on this question.

Mr. Edwards: I would think the government, if not compelled, would be impelled to do so on the principle of equality of status.

Mr. Lapointe: Those are two good words from my hon. friend.

Mr. Hanson: Are all the penitentiary employees under the Workmen's Compensation Act in the various provinces?

Mr. Lapointe: No.

Mr. Hanson: What about New Brunswick?

An hon. member: They have no penitentiary there.

Mr. McEibbon: Is the government not prepared to deal with this question now?

Mr. Lapointe: Had I known this matter would be discussed to-day I would have brought with me all the information relating to it. I regret that I cannot answer my friend to-day.

Mr. Ross: The minister might then be prepared to explain why this particular case is under the Workmen's Compensation Act of British Columbia and similar cases in the other provinces are not also subject to the various provincial acts dealing with workmen's compensation.

Mr. Lapointe: I will give the information to my friend later on.

Item agreed to.

February 15, 1927.

Athabaska Election.

Mr. Guthrie: Officials of this House carrying on the elections were proved to be guilty of serious offences and ~~praxed~~ were sentenced to severe penalties and terms of imprisonment. But I am informed to-day that two of these criminals have already been set at liberty although their full terms have not been served. I am also told that in the very near future another notorious official named Baldy Robb will also be given his liberty under ticket-of-leave, or by some process of the Department of Justice. I mention the matter in order, if I can, to stop the ticket-of-leave in that instance; I trust that the bringing up of this subject to-day will stop all negotiations for it. I was for a few days last July in the Department of Justice as Acting minister. I know that Baldy Robb was sentenced about the beginning of May to a long term in the penitentiary, I think five years, and although he had only served from two to two and a half months at that time, already largely signed petitions, containing the names of political supporters of the government, were coming in from that western country asking for a remission of the penalty imposed. I hope Baldy Robb has not been granted any release or any ticket-of-leave. I hope none of those who were sentenced for irregularities last spring have been leniently dealt with. I hope also that this House will insist that this government take action at once in regard to those officials, those civil servants in the employ of this country, who have been found to be guilty of gross irregularities, and in many cases of serious crimes, in connection with the Athabaska election.

February 15.

Athabaska Election.

Mr. Stewart (Edmonton): But there are some of the others who were in gaol, and who have been reed on parole, who committed crimes not nearly as heinous as those offenders who are still at large.

Mr. Guthrie: Have some who were found guilty been actually paroled?

Mr. Stewart: Yes two or three of them.

Mr. Guthrie: Is Baldy Robb one of them?

Mr. Stewart: These men were convicted before the Clarke inquiry; they were not subject to investigation at that inquiry, but they were implicated in the election frauds. May I say that if there was any excuse what I have referred to might be offered as such. Furthermore, the petition was signed by alsmost every resident in the neighbourhood in which these individuals live, as well as throughout the district of Athabaska. I believe that when the citizens signed that petition they had in mind the fact that all the guilty parties were not receiving like punishment in connection with this matter.

Mr. Bennett: I think my hon. friend has misunderstood the position. Those who were given immunity could not be convicted but they confessed and they confessed because they got immunity. That is the position.

Mr. Stewart: Exactly. I may not have stated the position as lucidly as I might but I quite understand that point. But although they confessed and received immunity my statement is that they were equally as guilty of wrongdoingas the individuals who were convicted by the judge prior to that time.

Mr. Bennett: But they could not be convicted because they had been given immunity because th y confessed.

Mr. Stewart: But they were equally guilty with those who were punished. As I ay, there have been very largely signed petitions

February 15, 1927. (cont'd.)

Mr. Stewart:

asking for parole. It is equally true that a very largely signed petition has been received, with respect to Baldy Robb, and on the petition is the signature of the gentleman who represented the Conservative party in the constituency of Peace River. The petition asks that Baldy Robb be paroled. I have nothing to say with respect to him. Baldy Robb has done as much injury to the Liberal party as any individual possibly could do in years gone by. Why he changed his allegiance is beyond me, and I have no brief for him. But he did change, and possibly this time was more reckless than he had been in the past. At all events he is in gaol for five years. However, the fact remains that a very large number of people have been persuaded or they believe that he should also be given the benefit of a parole notwithstanding the crime which he committed. I am not arguing that point. My hon. friend (Mr. Guthrie) says this man should be made to serve his sentence for the crime of which he has been convicted. I have not a word to say in this connection except to repeat what I said in the first instance, that the men who were responsible for most of the rascality that prevailed, particularly in the district of Athabaska, as I have seen it in the press, are out of the country. True, there is a warrant for their arrest, and I hope they will be apprehended, and that justice will be meted out to them, because I think most of the other individuals up there were their innocent dupes.

Mr. Bell (Hamilton): Are we to understand that exclusive altogether of the case of Robb, only those have been paroled who secured immunity by confessing?

Mr. Stewart: No, they never were convicted.

Mr. Bell: Then there are others to whom clemency has been extended,

February 15, 1927. (cont'd.)

Mr. Bell (Hamilton):

without their having secured the pseudo-right to it by confession?

Mr. Lapointe: No clemency was extended to those who were given immunity.

February 18, 1927.

Old Age Pensions.

Mr. A.W. Neill: I think one hon. member from British Columbia stated that in our gaols we allowed a dollar a day for keeping each prisoner. Being more familiar perhaps with gaols than he is, I would point out that there is a reason for that. ~~xxxxxxx~~ To begin with in gaols there is a certain amount of extra expense for fortifications, guards, bars and police that have to be provided. But there is another aspect of the matter and perhaps I am not giving away my province when I say this. There has been a movement there for some years past to induce the different municipalities who do their own policing to turn over the obligation to the province, at a price, of course. The movement is gaining some headway and it is desirable from the point of view for the government that they get this all within their control. They think in that way they can control it better and do the work more cheaply than the municipalities. The price used to be only fifty cents a day and now they have raised it to a dollar. The reason is not because it costs a dollar now any more than it did before, but because it makes the municipalities more willing to turn over the responsibility to the province. That is the reason why they have jacked up the price of keeping a prisoner, which price of course has to be paid by the municipalities, to a dollar a day. It does not really cost as much as that to keep him.

The first of these is the question of the origin of the human race. It is a question which has been discussed for centuries, and which has given rise to many different theories. The most common of these is the theory of evolution, which holds that the human race has evolved from a common ancestor. This theory is supported by many facts, and is generally accepted by the scientific community. Another theory is the theory of creation, which holds that the human race was created by God. This theory is also supported by many facts, and is generally accepted by the religious community. There are also many other theories, such as the theory of polygenism, which holds that the human race has evolved from many different ancestors. These theories are all based on different assumptions, and it is difficult to decide which one is correct. The question of the origin of the human race is one of the most important in anthropology, and it is one which will continue to be discussed for many years to come.

The second of these is the question of the development of the human race. It is a question which has also been discussed for centuries, and which has given rise to many different theories. The most common of these is the theory of evolution, which holds that the human race has evolved from a common ancestor. This theory is supported by many facts, and is generally accepted by the scientific community. Another theory is the theory of creation, which holds that the human race was created by God. This theory is also supported by many facts, and is generally accepted by the religious community. There are also many other theories, such as the theory of polygenism, which holds that the human race has evolved from many different ancestors. These theories are all based on different assumptions, and it is difficult to decide which one is correct. The question of the development of the human race is one of the most important in anthropology, and it is one which will continue to be discussed for many years to come.

HOUSE OF COMMONS DEBATES.

VOLL. 11.

March 23, 1927.

RELIEF TO FAMILIES OF PRISONERS.

Mr. Adbhead:

Is the government considering, or will they consider, any plan either by the Dominion alone or in cooperation with the provinces, whereby relief may be granted to the wives and families of prisoners, or of having whatever the prisoners may earn, forwarded to the families of prisoners, to keep them from suffering and destitution.

Hon. Mr. Lapointe: The matter is under consideration.

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HOUSE OF COMMONS DEBATES.

VOL. 11.

March 23, 1927.ADJUTOR VEZINA.

Mr. Hocken:

1. Was Adjutor Vezina, of Hull Quebec, sentenced to imprisonment in 1925?
2. If so, what was the offence of which he was found guilty?
3. What was the term of his sentence?
4. What was the date of his conviction?
5. Has he been released?
6. If so, what was the date of his release?

Hon. Mr. Lapointe:

1. He was sentenced in 1924.
2. Carnal knowledge.
3. Fourteen years.
4. March 31, 1924.
5. Yes, under restraint of ticket of leave.
6. On the eve of New Year, 1927.

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HOUSE OF COMMONS DEBATES.

VOLL. 11.

March 23, 1927..

PORTSMOUTH PENITENTIARY

Mr. Church:

1. Will the government order an investigation or enquiry into a riot or mutiny of inmates of Portsmouth penitentiary on Saturday January 22 last as reported in the press?
2. What were the causes thereof?
- 3/ How many inmates were involved, how many were penalized, and how?
4. Under whose instructions were these penalties imposed, if any, and under what statute?
5. Is it the custom for assize grand juries to visit these institutions, and if not, why?
6. Are these institutions inspected, and by whom?
7. Who are the inspectors, what are their duties, what are their qualifications, and what salaries are paid to them?
8. Are inmates classified and how?
9. What special classification is there for first offenders?
10. Are the terms of motion of last session adopted by this House to grant pay to dependent relatives being carried out, and if so, how?
11. Is the government considering a complete reorganization of the whole staff of the aforesaid institution?
12. Will the whole question of prison reform be referred to a commission to investigate and report on in the next recess of parliament, or is it under consideration?

Hon. Mr. Lapointe: The matter has already been fully reported on and the staff of the Kingston penitentiary congratulated by me for the way in which they handled the situation.

March 23, 1927 Cont'd

Hon. Mr. Lapointe:

2. Insubordination on the part of inmates working in one of the shops.
3. (a) 114 were more or less involved. (b) and (c) This information is treated as strictly confidential and ought not to be furnished excepting upon an order of the House.

Some thirty inmates could have been sent out to court and given long terms of imprisonment for what they did, but in penitentiaries the object is to deal as leniently with inmates as they themselves, by their conduct, will permit.

The Warden of a penitentiary has not an enviable task; in fact his task is a most difficult one, and at times calls for very stern and drastic action in order that the place may be made safe for the great majority of fairly decent men who are sentenced to incarceration therein.

No brutality is permitted in Canadian penitentiaries.

The Superintendent was at the penitentiary on January 18 last and was in almost every portion of it and did not receive one complaint from any inmate regarding any subject.

4. By the authority of the Warden under chapter 147, the penitentiaries Act, also section 179 of the penitentiary regulations.
- 5.(a) No. (b) Grand juries are appointed by and acting for provincial governments. They have, therefore, no jurisdiction in Dominion government institutions.
6. (a) Yes. (b) by the superintendent and inspectors of penitentiaries, engineers of penitentiaries and auditor.
7. (a) Mr. Gilbert V. Smith, Mr. H.C. Fatt and Mr. E.R. Jackson. (b) To thoroughly inspect everything in connection with the administration of a penitentiary and report to the superintendent the result of such inspection. (c) Mr. G.V. Smith has over 30 years experience in

March 23, 1927 Cont'd

Hon. Mr. Lapointe:

penitentiary work. He is well qualified for the position of inspector. Mr. H.C. Patt is inspector and auditor. He has over 30 years experience in penitentiaries and in the handling of the criminal. Mr. E.R. Jackson is industrial inspector, and has apart from his duties as inspector generally the inspection of various industries. (d) Salaries of inspectors range from \$2,820 to \$3,300 per annum.

8. Inmates are classified inso far as is possible within the one and same institution.

9. First offenders are segregated insofar as possible in the trade shops where they are under close observation of an officer continually.

10. The means and methods of carrying out the recommendations of parliament are under consideration.

11. No.

12. No. The handling of the criminal is today recognized as a science and as experts from all countries openly state that the Canadian penitentiary system is in advance of that seen elsewhere, it is respectfully submitted that no commission to investigate Canadian penitentiaries is either desirable or necessary.

2.

3. The second part of the report

4. The third part of the report

5. The fourth part of the report

6. The fifth part of the report

7. The sixth part of the report

8. The seventh part of the report

9. The eighth part of the report

10. The ninth part of the report

11. The tenth part of the report

12. The eleventh part of the report

13. The twelfth part of the report

14. The thirteenth part of the report

15. The fourteenth part of the report

16. The fifteenth part of the report

17. The sixteenth part of the report

18. The seventeenth part of the report

19. The eighteenth part of the report

HOUSE OF COMMONS DEBATES.

VOL. 11.

March 24, 1927.

Mr. Bennett: Let me give an illustration; take the case of whipping. Hon. gentlemen will recall that a certain class of criminal was perfectly content to suffer imprisonment for burglary, for housebreaking, for bank robbery and offences of that nature; but the moment you added the cat-o-nine tails he became less eager to carry out his operations. The reason is psychological, as those will understand who have studied criminology. I remember reading sometime ago an eminent criminologist's opinion in this regard. There is something in the psychology of this form of punishment so repulsive to the mentality of the burglar that he will not readily risk the possible infliction of the penalty, which therefore proves a strong deterrent.

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HOUSE OF COMMONS DEBATES

VOLL. 11.

March 24, 1927.

On section 38 - Minimum penalty.

Mr. Power: If there is one section worse than another in this bill it is section 38. I shall not discuss subsection 1 for the moment but subsection 2 reads: Notwithstanding the provisions of the Criminal Code, or any other statute or law, the court in a case of the conviction of any pers on charged with an indictable offence under the act, shall have no power to suspend sentences .

The reason as given in the explanation is that the proposal is intended to meet the situation which has arisen in prosecutions for indictable offences, where the accused has been committed for trial and the prosecution is conducted by the local crown attorney, who is not under the control of this department; the accused having been found guilty, has been allowed his liberty on suspended sentence, contrary to the opinion and desire of the department. The Judge hears the case, knows all its circumstances and, has had the highest authorities to administer the law and to give justice to all citizens of this country and may decide in his wisdom that sentence may be suspended. Because of that fact and because ~~if~~ an official located in the department at Ottawa, who knows nothing of the case and nothing of the circumstances surrounding it, thinks the judge should have imposed a heavy sentence, we are to change the whole system of law enforcement in this country, we are to take away from properly appointed judges the right to exercise mercy and suspend sentence. If there is anything more ridiculous I cannot find it on the statute books of this country, and I wish again to call the attention of the minister to the situation that will be created. Let us suppose that a man endeavours to cross the international border with

THE HISTORY OF THE

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March 24, 1937 Cont'd.

Mr. Power:

half a dozen packages of cigarettes in his pocket or, as I said before, three or four pairs of silk stockings, he gets into an argument with the customs official and during the argument shoots and kills him. For the crime of smuggling the onus of proof is upon him; he must go to goal; the judge cannot suspend sentence upon him and he has all the forces of the law arrayed against him. For the crime of murder, for taking the life of his fellow man, he has first of all a preliminary investigation, during which he is given every chance. Then he goes before the grand jury where a true bill must be found against him; from there he goes before a petty jury, where he must be declared guilty by his peers. In addition to that he has the opportunity of appeal, and he is not obliged to go into the witness box to give evidence on his own behalf. Under this law in every case in which the onus of proof is against him he must necessarily go into the witness box and give evidence and be at the mercy of the crown attorney, who may cross-examine him and rake up all the details of his past life. I think the condition would be intolerable. Under conditions such as these we will have police surveillance to an extent unknown in any of the countries of Europe. We have always boasted of the freedom of the individual, and I do not think this is the time to take away that freedom.

Mr. Euler: Since the clause has some relation to the other clauses which were disputed, I would suggest that it stand together with the others:

HOUSE OF COMMONS DEBATES.VOL. 11.April 1, 1927. CIVIL SERVICE SUPERANNUATION ACT.

Mr. Robb: Of course my Hon. friend understands that their superannuation is based upon their contribution, and their contribution is based upon their salary.

Mr. Ross: (Kingston): A number of employees are put in a peculiar position by the operation of this section. I refer to some of the very oldest employees in the penitentiary who have been under what is known as the Penitentiary Act. Under that act they were allowed a gratuity for good conduct. Section 33 of the Penitentiaries Act provides that:

The eligibility of any officer to be paid such a gratuity shall not be affected by his promotion heretofore or hereafter to an office which makes him a member of the civil service, as defined for the purpose of the Civil Service Superannuation and Retirement Act.

That provision in the Penitentiaries Act will be wiped out, I believe by this amendment to the Superannuation Act. These officers are now given the option of deciding whether or not they will come under the Superannuation Act. It has already been stated this afternoon by one or two speakers that those officers who have been in the service for twenty or twenty-five years will have a very large amount indeed to pay into the fund if they have to pay five per cent of their salary, plus interest. These employees feel that just as soon as this act passes they will be in ^{this} position; they would be entitled as penitentiary officers to a gratuity allowance which would somewhere be in the neighborhood of \$2,000, and if they retired as soon as this act passes they could draw that amount, and then re-enter the service as an official. I think one official of the penitentiaries branch has already done that, but those who continue in the service must pay

April 1, 1927 Cont'd. Civil Service Superannuation Act.

five per cent of their former salary, plus interest, in order to get the benefit of this act. It would almost bankrupt these men to pay that amount, and some of them could not possibly do it. Therefore, they feel it would only be just if the act contained a provision that they could draw the gratuity to which they would be entitled for their good conduct, and have the same applied to the payments necessary to come under this act. I do not know whether I have made myself clear to the minister, but the case of these men is, I believe, worthy of consideration before this bill passes. They have until July to decide whether or not they will come under the Superannuation Act. The minister of course may say "why, they need not come under it." But they feel that if they do not come under it the only thing they have for their twenty or twenty-five years' service is a gratuity which they are given as a piece of charity. By some little act or infraction of some section they may be refused even this gratuity, and they have no appeal, so that after twenty-five twenty-six years' service they have nothing coming to them. For that reason I was anxious to have inserted an amendment to provide that there should be some board of appeal; that the decision as to whether or not civil servants had broken the regulations should not be left to the ipse dixit of some superman above them. However, that has been voted down. Today they have no appeal, and they may be put out after twenty years of service, as happened in the case of one official of the penitentiary a few years ago, without a single cent coming to them. In the case of this official there was not a black mark against him except a little infraction of the rules, or some technicality. I think it is only fair that these men should be given some consideration in the way of a payment which they might apply towards the amount which would bring them under the Superannuation Act.

April 1, 1927 Cont'd.

Mr. Robb: I cannot find anything in the clause under consideration that places them in any worse position than they are now.

Mr. Ross: (Kingston) They cannot be in a worse position.

Mr. Robb: They have the option of coming in under this scheme or of remaining under the old scheme to which they have contributed. We have already extended the time for coming under the act, and by this legislation we propose to extend it till July of this year. There is nothing in this clause that puts them in any worse position than they now are, but if my hon friend will write to the department indicating just what he means it can be taken into consideration.

Mr. Ross: (Kingston): The department know the position very well; they have been written to in regard to it. These employees have not the amount of money which it would be necessary for them to pay in in order that they might be brought under the act; therefore they must stay out, and if they stay out they have nothing.

Mr. Robb: They can pay it by instalments.

Mr. Ross (Kingston): But the large instalment which they would have to pay would leave them practically nothing to live on. The longer a man remains in the service the worse position he is in, because this money is not his; he is deprived of it on account of some infraction or some little technicality after he has given perhaps twenty-six years of good service.

Mr. Robb: My hon friend will admit that there is nothing whatever in this measure which takes away the gratuity. He knows, too, that in insurance matters we must work on an actuarial basis.

April 1, 1927 Cont'd

Mr. Ross (Kingston): My hon. friend will admit that we have had actuarial basés which we believed were perfect, but we afterwards found they ~~were~~ wrong and the **figures** had to be changed several times. These old employees were under the old Penitentiaries Act, which provided that the gratuity would not be taken from them; yet it has been taken from them, if I understand this measure. The government has broken its agreement. If they come under the Superannuation Act they lose this gratuity, and the Penitentiaries Act stated that they would not lose it.

Mr. Robb: I will have the matter looked into, but I do not know that anything has been taken away.

HOUSE OF COMMONS DEBATES.VOL. 11April 14, 1927. Supply - Miscellaneous

To hereby provide for payment to Mrs. Beatrice Williams, widow of the late penitentiary guard John Williams, Mrs. Violet L. Jenkin, widow of the late penitentiary guard M. E. Jenkin, and Mrs. Jean Laird Farrell, of an allowance of \$600 a year each and so in proportion for any part of a year, to commence from the 1st April 1927 and continue thenceforth during their natural lives respectively, such allowance to be paid monthly out of any unappropriated moneys forming part of the consolidated revenue fund of Canada, \$1,800.

Mr. Woodsworth: I object to items being put through without our knowing what they are. What is this item?

The Chairman: \$1,800 for a pension.

Mr. Woodsworth: No objection.

JANUARY 31.THE ADDRESS.

Mr. J.S. Woodsworth: And may I point out that a resolution of this house was passed some years ago by which prisoners in our penitentiaries were to be paid for their work, and in the case of married men the money was to be turned over to their families. So far as I have been able to learn, the Department of Justice has not proceeded to act on that resolution; in fact we have the rather anomalous situation of the superintendent of penitentiaries begging that some action be taken along this line. He is reported:

To keep men in enforced idleness is not only most inhuman, but in one institution in a foreign country where it has been tried over thirteen per cent of the unfortunate inmates were driven insane in one year.

In regard to the Dominion of Canada he says:

Only one-tenth of the work possible to be done is being done. The government spends many thousands of dollars yearly for furniture, furnishing and equipment of various kinds, a portion of which could easily be made in the penitentiaries.

It does seem to me that when we have gone to the trouble for tow years in succession of debating this question on the floor of the house, and have definitely passed a resolution, the matter ought not to be disregarded in this way.

Mr. Bourassa: My hon. friend must remember that many of the labour organizations have unfortunately, for many years past, adopted resolutions petitioning the government against any sort of labour being carried on in penitentiaries. We have that situation to meet.

Mr. Woodsworth: Yes, but I would point out that the object has been merely to ensure that prison labour shall not come into competition with free labour. I may say that labour is quite content to have our prisoners do many types of work that could be done in prison, work which is needed in this country.

HOUSE OF COMMONS DEBATES, VOL. 1. 1928.FEBRUARY 1.THE ADDRESS.

Mr. Church: I would like to see some immediate action taken as to prison reform, and a special committee should take it up. I find that sixty-four youths of sixteen years of age are in Canadian penal institutions. Are we yet living in a stone age? Canada needs a new broom and reform to restore these men in peace as the Red Cross saved a wastage of men in war. We are away behind the times, and a searching inquiry is long overdue. Grand juries should visit these institutions and make rigid, impartial investigations.

(pp 106)

HOUSE OF COMMONS DEBATES, VOL. 1, 1928.February 6.THE ADDRESS.

Miss Macphail: I should like respectfully to ask the government when they intend to change the administration of the penitentiaries so that prisoners will be given as much work as they can comfortably do in a day and will be paid a decent wage for that work. We have heard a great deal about this; the house carried the resolution some time ago--let us have the legislation. We should go further than this, because it is only one little step, as we so often say in this house, in the right direction. A real study should be made of crime; we are all coming to the place where we admit that crime is caused by ignorance, poverty, lack of culture, lack of happiness. There are many things about the prisoners that need study besides the one I have mentioned. In our whole system of taking care of prisoners we should look to the good that we can do to the prisoner while he is detained by the state, making him feel that the state is fair to him. That is why I want him to be paid a decent wage for his work, from which wage, of course, his keep must be deducted. We must never forget, too, that the family of the prisoner possibly suffers more than the prisoner himself, and when the prisoner comes out, there should be, shall we say, fatherly hand of the state to guide that man into civil life, to re-establish him. So many of them when they first get out try for a few days or weeks to go in what we call a straight way, and not being able to do that they very soon revert to crime. Much could be done by the state to make these things better for the men and women.

March 21.PRISONERS IN PENITENTIARIES.

(pp 1550)

Mr. Bourgeois:

1. Are prisoners confined in penitentiaries throughout the Dominion permitted to receive and despatch letters from and to relatives and friends?
2. If so, how many of such letters are they permitted to receive and send each month during their confinement?
3. Are there regulations prohibiting any correspondence until after the expiration of any specific time after their confinement?
4. If so, what is said specific time?
5. What provisions, if any, are made for prisoners' recreation or exercise.
6. When a public holiday falls on a Monday are prisoners compelled to remain in their cells from the close of working time on Saturday until the following Tuesday morning?
7. If not, for what purposes and under what conditions are they allowed out?
8. Are the same regulations in force in all penitentiaries throughout Canada?

Mr. Lapointe:

1. To or from relatives, yes; to or from friends, yes, if special circumstances require it.
2. Inmates are permitted to receive all proper letters. Inmates are permitted to write one social letter to relatives each month; also all necessary letters to transact bona fide business; also should necessity arise, permission is granted to write "special letters."
3. No. They may write as soon as received at the institution.
4. See answer to No. 3.
5. Inmates working on farm or at such outside employment are not given exercise. Instructions call for all other inmates employed in buildings, shops, etc. to have fifteen minutes outside exercise each forenoon and afternoon. A total of thirty minutes per day.
6. Instructions issued so that should a holiday and Sunday come together inmates are to work one-half of the holiday. This does not apply, however, should Christmas fall on a Saturday or Monday, as on Christmas day they go to church in the forenoon and

March 21, 1928. (cont'd.)

Mr. Lapointe:

are treated to concerts during the afternoon. On Sunday the inmates are out of their cells to their meals and also for the purpose of attending church.

7. Answered by No. 6.

8. Yes.

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(pp 1550)

MARCH 27.

PENITENTIARY GUARDS---CLASSIFICATION.

Mr. Ladner:

1. Are penitentiary guards classified as civil servants under the Civil Service Act and as civil servants under civil service jurisdiction.
2. Has the Government or the department having the matters in charge, or the Civil Service Commission, prohibited penitentiary guards from becoming members of the Amalgamated Civil Servants of Canada or any other civil service organization?
3. If such prohibition does exist, what are the grounds for the decision?

Mr. Lapointe:

1. (a) Yes, for purposes of appointment, salary and promotion.
(b) For all other purposes they are governed by Penitentiary Act.
2. Yes, by department.
3. Duties of penitentiary officers are semi-military, semi-police and purely confidential, and under regulations they are not permitted to make the affairs of the penitentiaries the subject of conversation beyond the precincts of the prison nor make them known to any person outside. These regulations they have sworn to obey.

March 28.

PENITENTIARY GUARDS--SALARIES.

Mr. McQuarrie:

1. What is the minimum and maximum salary of a penitentiary guard?
2. Did not Colonel H.W. Cooper, late warden of the British Columbia penitentiary, recommend in his annual report, that the minimum salary of a penitentiary guard should be \$100 per month?
3. What is the schedule of hours that a penitentiary guard is required to be on duty according to the regulation?
4. What is the total number of hours that a penitentiary guard is required to be on duty in one week, including the Sunday duty?
5. Is it a fact that inspector Jackson, now in charge of the British Columbia penitentiary, has only allowed the guards 10 minutes off duty for the noonday meal?
6. Is it true that penitentiary guards have been punished or reprimanded for not saluting the superintendent of penitentiaries or an inspector when on a visit to a penitentiary?
7. How many penitentiary guards have (a) resigned; (b) been dismissed from the British Columbia penitentiary during the fiscal year 1927-28?
8. How many penitentiary guards have been appointed to the British Columbia penitentiary during the fiscal year 1927-28.

Mr. Lapointe:

1. \$1,200 and \$1,500.
2. Yes.
3. From opening to closing of the prison. Average daily hours served --seven and a half.
4. About forty-five hours.
6. No.
7. (a) Permanent officers resigned, one; temporary officers resigned, two; temporary officers let go at expiration of employment period, two.
(b) Permanent officers dismissed, one; temporary officers dismissed, one.
8. Ten (temporary).

March 28.

PENALTY OF THE LASH.

(pp 1794) - 1797

Proposed infliction at beginning rather than end of imprisonment.

Mr. J.L. Brown (Lisgar) moved:

That, in the opinion of this house, when a judge imposes the penalty of the lash in addition to a term of imprisonment, the full penalty of the lash should be inflicted at the beginning rather than at or near the end of the term of imprisonment.

He said: I think I am entitled to the sympathy of the house--

Mr. Edwards (Frontenac): Mr. Speaker, I rise to a point of order.

I beg to refer you, sir, to the votes and proceedings of January 30th last in which it will be found that the motion is worded differently from the manner in which it appears here.

Some hon. Members: Oh, oh.

Mr. Edwards: The motion which appears in the votes and proceedings on the date in question reads as follows:

That, in the opinion of this house, when a judge imposes the penalty of the lash in addition to a term of imprisonment, the full penalty and the lash should be inflicted at the beginning rather than at or near the end of the term of imprisonment.

The wording of the present motion has been changed, the word "of" having been substituted for the word "and". I submit that is a material change in the sense of the resolution. As originally worded the motion was utter nonsense; now there is some sense in it. I do not believe the hon. member for St. Lawrence-St. George could vote for the motion as originally worded, and I do not say that he would do so now. At least the motion is more sensible in form, and it is possible to commend it to the consideration of the Minister of Justice and the Solicitor General who were deeply concerned with changes in the wording of certain resolutions a short time ago. I should also like to commend it to the Minister of Railways, if he were here, and point out to him that it is his

March 28, 1928. (cont'd)

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Mr. Edwards:

duty to get up and speak on behalf of those who have motions lower down on the order paper and see that they are not unfairly superseded. As I say, the resolution has been materially changed. Manifestly it would be utterly impossible to inflict the full penalty and the lash at the beginning of a sentence. If a man were sentenced to three years imprisonment and the lash he could not be given the full penalty and the lash at the beginning of his term; he could not receive the lash and undergo three years' imprisonment at the same time. So far as I am concerned, I should be quite willing not to press the matter if I could divest my mind of any possible thought that the Minister of Justice and the Solicitor General would favour the hon. member for Lisgar even if they were not disposed to favour me.

Mr. Brown: The hon. member for Frontenac-Addington has correctly stated the facts. This resolution is not exactly in the form in which it first appeared. I put the resolution on the order paper very early in the session, and did not read it until some considerable time afterwards. Then I noticed that the word "and" appeared instead of the word "of" in the document which I had sent to the Clerk of the House. I did not change it for a considerable time. I thought probably the best way would be to wait until the resolution was moved in the house and then make a correction of what was very obviously a printer's error. I suggest, Mr. Speaker, that any member who could not see that that was obviously a printers' error is lacking in ordinary intelligence. The hon. member for Frontenac-Addington either has not that sufficient intelligence, or else he credits me with very little ability to express my thought in plain English. The fact that this argument has been raised reminds me of a certain class of people that lived in the east about

March 28, 1928. (cont'd.)

Mr. Brown:

1,900 years ago. They were spoken of as "scribes, pharisees and hypocrites." They were people who were supposed--

Mr. Edwards: I rise to a point of order. I do not think the accusation means anything with respect to this side of the house, but still I had entertained the idea--

Mr. Speaker: I did not hear the phrase employed by the hon member.

Mr. Brown: I said I was reminded of a class of people who, 1,900 years ago were spoken of as "scribes, pharisees and hypocrites," and their distinguishing characteristic was their regard for the exact letter of the law.

Mr. Speaker: Although it is far fetched, yet the hon. gentleman is too familiar with parliamentary rules to use such expression, Bourinot is very clear on the subject.

As to the point of order, I do not think it is necessary to argue it at any further length. The hon. member for Frontenac-Addington said that he did not press it. There is evidently a misprint; the word "and" should be "of". Now that the word "of" is substituted, we will let the matter stand at that.

Mr. Brown: At this late stage in the afternoon I would not have thought of preceeding with this motion were it not for the fact that I do not expect to be here when the next private members' day comes, and consequently my motion would go off the order paper altogether, so that I should not have an opportunity of presenting what seems to me to be a most important resolution, because if we were able to have a proper discussion, indeed if I had only half an hour to speak, I think I could show that there is a necessity for taking action and for amending our law in this regard. In the nature of the case I must shorten my speech very materially. I wish

March 28, 1928. (cont'd.)

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Mr. Brown:

it to be understood in the first place that I am not dealing with the question of corporal punishment as such. I am neither supporting nor opposing the idea of inflicting the lash. I want the house to fix their attention entirely upon the one point and that is that when the lash is administered as a part of the penalty, the full penalty of the lash should be administered at the beginning rather than at the close of the sentence. This was brought to my notice because of an item that appeared in a newspaper last fall. The item reads:

Convicted of holding up and robbing a branch of the Bank of Nova Scotia at Campbellville, Ontario, last month while under arms, and stealing \$1,100, Jack Walker, Arthur Williams and Clarence Thomas were to-day sentenced to 15 years in the Portsmouth penitentiary. For participation in the same crime, William Duncan was given 10 years in the penitentiary.

The men, who are all from Toronto, will, with the exception of Walker, receive 20 lashes. Ten of these will be given one month after they enter the prison, and the other ten one month before the expiration of their sentence. Walker, who has already been sentenced to 40 lashes in connection with another robbery, will not be lashed.

I am not objecting to the idea that is held that society should protect itself from the criminally minded. Society owes it to itself to protect itself from the criminal, but that idea is not inconsistent with the idea that we should do all that lies in our power to reform the criminal, to make him again a useful member of society. There is one class of offenders against which we have decreed, whether rightly or wrongly, that we can protect ourselves only by taking away the life of the criminal. That is a subject all by itself that I will not deal with. There is another class that it has been thought we can protect ourselves against only by shutting them up for the period of their natural lives. These are important matters to deal with but they are not the subject of our immediate discussion.

March 28, 1928. (cont'd.)

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Mr. Brown:

If we put aside these classes and those offences for which a monetary fine is deemed adequate penalty, there remains that large class of offences that are punished by a term of imprisonment longer or shorter, with or without hard labour, and with or without corporal punishment. From one point of view it is more important that we should have a proper method of dealing with this class than with the others for the reason that, having paid the penalty for their offences, they are again returned to society. It is a matter of primary importance to us that these men who are again returned to society, if they are to become good citizens, if they are again to occupy useful places in the community, should come back to us in an attitude of mind that will lead them to feel that society is their friend and not their enemy. That is all-important, and therefore I wish to emphasize that aspect of the question--the welfare of society. I am not unmindful of the interests of the individual. I am not unmindful of the tragic consequences to the human being who gives himself to a life of crime. I am not unmindful of the duty of the state to co-operate as far as possible with all those other agencies that are seeking to bring about the reformation of the criminal. But when we look at the matter from the standpoint of society, or of the individual, what folly it is to pursue a course that is calculated to nullify all the influences that are brought to bear upon a man during the time of his imprisonment and turn him out again upon society worse than when he went in!

I have been looking up the Auditor-General's reports, and I find that we spend large sums of money annually on our penitentiaries. We spend money for chaplains, trade instructors, teachers of various kinds. That is a very proper expenditure; but again I ask: Is it not folly for us to spend money in an endeavour to promote the moral

March 28, 1928. (cont'd.)

Mr. Brown:

and spiritually welfare of the prisoner and then follow a course that is calculated to nullify all those influences? The fact that we spend that money constitutes on our part a recognition that we have obligations to the prisoner and to society. We may be under an obligation to visit retribution on the prisoner, but we are under an obligation to seek to bring about his reform so that he can again become a useful citizen. When a man is sentenced to a long term of imprisonment, with the lash if you like, and when that penalty is inflicted upon him at the beginning of the imprisonment, I can understand there is a possibility of that man coming to a sense of the error of his ways. Yes, Mr. Speaker, with all reverence I can understand the possibility, during his term of imprisonment, of his yielding to the influences that are brought to bear upon him when he knows that he has already endured and suffered the penalty that was imposed upon him. But can anyone who has given a moment's thought to the matter believe that it is possible for a man to respond to any influences for good when he has that sentence hanging over him? He must go out from prison embittered. He feels that his hand is against every man and every man's hand is against him, or that every man's hand is against him and therefore his hand is against every man. It is not long before he comes into contact with criminal associates; he commits a burglary; he goes armed although he does not intend to commit murder, but he is prepared to commit murder if necessary to accomplish his purpose and the end of the tragedy is the scaffold.

Mr. Stewart (Leeds): Would the hon. member allow me to ask a question?

Mr. Brown: No. I have only a few minutes to speak. I have had to shorten my speech very much already. I said that such a man must go out embittered in his whole attitude towards society. I have

March 28, 1928. (cont'd.)

Mr. Brown:

discussed this matter with a number of people who have expressed themselves in hearty sympathy with the proposal I have made. Indeed I have not heard a single dissenting word. I took the matter up with the chaplain of one of our penitentiaries, and he expressed himself as in perfect accord with me, and gave me two other reasons why we should adopt the course that I am now urging. One was that the presence of such a prisoner in a penal institution was a menace to the well-being of the institution; his whole attitude was a menace. He so feared the punishment of the lash that he was prepared to do anything to escape that penalty, and consequently was danger to the guards. The other reason he gave me was this. He pointed out to me that by good conduct a prisoner might be granted as much as ten days in a month off his sentence. You see then the absurdity of saying to a prisoner, "If your conduct is good, you will be released sooner, but at the same time that will bring you just that much nearer the time when the remainder of the penalty of the lash will be inflicted on you." I think it is absolutely absurd.

I should like to have quoted from the Winnipeg Tribune, which took notice of my motion when it was first put on the order paper and in which Mr. Justice Fellerton and Mr. Justice Stubbs expressed themselves as in favour of the principle I am advocating. The particular case that brought this matter to my attention was an appeal in which the judge sustained the sentence of imprisonment, but reversed that part of the sentence that inflicted the lash at the end of the term of imprisonment, and he expressed himself in very strong terms as disapproving of the lash.

I regret, Mr. Speaker, that circumstances have compelled me to omit much that I wished to say. I think that a great many

March 28, 1928. (cont'd.)

Mr. Brown:

things were said in the previous discussion which might just as well have been left unsaid, but before I sit down I am going to ask the Minister of Justice to consider the matter very seriously, and even at this late date to bring in an amendment to the criminal code that will give effect to the purpose I have in view. I am sorry that under the circumstances I can do no more than I have done. The fault is not mine, but that of a large number of previous speakers who spoke at considerable length.

At six o'clock the house adjourned, without question put, pursuant to standing order.

APRIL 23.

EMPLOYMENT OF PRISONERS.

Mr. H. B. Adshead (East Calgary): In connection with the report of the superintendent of penitentiaries, I would direct the attention of the Minister of Justice to the fact that on page 15 a strong recommendation is made that prisoners be given employment in order that they may support their families who are often in great want, and I ask if the government are giving serious consideration to this recommendation.

Hon. Ernst Lapointe: The question is under consideration, and I assure my hon. friend that it is receiving serious consideration.

(pp 2262)

HOUSE OF COMMONS DEBATES.

VOL. 111 - 1928

May 7, 1928.

British Columbia Penitentiary - Escape of Convict.

On the orders of the day.

Mr. W.G. McQuarrie (New Westminster): I would like to ask the Minister of Justice if it is true that on April 30 last a Chinese convict escaped from the British Columbia penitentiary situated at New Westminster while employed in the private residence of the acting Warden, Inspector Jackson, and if it is not contrary to the regulations to ~~an~~ so employ a convict?

Hon. Ernest Lapointe (Minister, of Justice): I will secure the information.

(pp 2726)

HOUSE OF COMMONS DEBATES.

VOL. LII, -1928.

May 11, 1928.

PRISON REFORM

Productive work and Compensation for inmates of penitentiaries.

On the orders of the day:

Mr. Church: I would like to ask the Minister if anything is being done to carry out the resolution of last session, to pay the wives and children of the inmates of penal institutions in Canada, for the work of the inmates.

Hon. J.A.Robb (Minister of Finance): Mr. Speaker, I do not recall the resolution of last session, but if my hon.friend will give me a memorandum I will have it looked up and give him a reply early in the week.

Mr. Church: Will there be anything done in a concrete form to give effect to this resolution this session?

(pp 2916)

HOUSE OF COMMONS DEBATES.

VOL. III.

May 21, 1923.

Inmates of Penitentiaries.

Mr. Church:

1. How many inmates are there in each federal penal institution of the following ages: (a) 16 years or under, (b) 17, (c) 18?
2. What has been done to remedy the conditions?
3. What became of announced proposed conference with the provinces on the policy, and what action was taken?

Mr. Lapointe:

1. Penitentiary

	<u>16 years and under</u>	<u>17 years</u>	<u>18 years.</u>
Kingston.....	--	1	5
St. Vincent de Paul	10	38	45
Dorchester.....	4	13	8
Manitoba.....	2	1	1
British Columbia.....	--	1	7
Saskatchewan.....	--	3	3
Total.....	16	57	69

2. The matter is receiving consideration.

(pp 3188)

HOUSE OF COMMONS DEBATES.VOL. 111.May 28, 1928. Lieutenant -Colonel H.W.Cooper

Mr. McQuarrie:

1. What were the reasons for the dismissal of Lt.-Col. H.W.Cooper, late warden of British Columbia penitentiary at New Westminster?
2. What charges were made against said Cooper?
3. Was said Cooper informed of said charges, or were particulars thereof withheld from said Cooper even after he had requested same?
4. Was an investigation conducted by Inspector Jackson?
5. If so, who recommended to the minister the holding of said investigation, and the choice of Inspector Jackson as investigator?
6. Had there previously been differences between said Jackson and said Cooper, and were they on unfriendly terms?
7. Did said Jackson refuse to permit said Cooper to be present during the taking of any evidence (except his own) and also refuse to permit said Cooper to examine or cross-examine any of the witnesses or to be informed of the nature of their evidence?
8. Did said Inspector Jackson also refuse to permit said Cooper to be represented by counsel during the investigation?
9. Did said Jackson recommend the dismissal of said Cooper and if so, on what grounds?
10. Was said dismissal recommended by the superintendent of penitentiaries and if so, on what grounds?
11. Was said Cooper ordered by telegraph to turn over the control of said penitentiary to Trollops, the late Deputy Warden thereof, and if so, what urgent necessity prompted such action?
12. Was said Cooper, after dismissal granted an allowance which is strictly contingent upon a finding of good conduct?

May 28, 1928 Cont'd

Mr. McQuarrie:

13. Had any adverse reports on said Cooper been previously received? if so, when and what was the purport of same?

14. Had said Cooper been highly recommended by the Superintendent of Penitentiaries in all his annual reports since said Cooper's appointment?

15. Was there any escapes from the said penitentiary during the tenure of office of said Cooper?

16. Has there been any such escape since dismissal of said Cooper and if so, who was in charge of the said penitentiary at the time, and under what circumstances did the escape take place?

17. Did any personal difference between the Superintendent of Penitentiaries and the said Cooper with reference to persons and incidents outside the penitentiary service immediately precede the request for an investigation of said Cooper's administration?

18. Has the resignation of Trollope, late Deputy Warden of said penitentiary, been received?

19. What reasons were given for such resignation?

Mr. Lapointe :

1. Colonel Cooper was not dismissed.

2. No charges were made against Colonel Cooper.

3. Answered by No.2.

4. Yes, into matters of administration generally.

5. Superintendent of Penitentiaries.

6. There were no personal differences. They were not on unfriendly terms.

7. Yes. The investigation was held in connection with general administration and not on charges against said Cooper. Colonel Cooper was refused permission to examine or cross-examine witnesses. He was

May 28, 1928 Cont'd.

Mr. Lapointe:

informed of and questioned regarding any evidence taken that affected himself or his administration.

8. Yes.

9. Inspector Jackson did not recommend the dismissal of Colonel Cooper. He recommended his retirement immediately, to promote efficiency and harmony in the penitentiary service, because of maladministration.

10. Superintendent of penitentiaries did not recommend dismissal but recommended that he be retired to promote efficiency and harmony. This because of his inability to properly administer the affairs of a penitentiary proven by his admissions and the information adduced.

11. Yes. Because it was considered unwise and unsafe to leave him longer in control.

12. Warden Cooper was not dismissed. He was granted an allowance which may be paid to officers retired to promote efficiency. See section 32, subsection B, chapter 154, revised statutes of Canada.

13. Superintendent repeatedly complained about unsatisfactory correspondence. Also had repeatedly drawn warden's attention to lack of work accomplished at his institution.

14. No.

15. Three inmates escaped from custody and were missing from Saturday until Monday. They were afterwards recaptured by Deputy Warden Trollope secreted in the roof of the administration building.

16. Warden Cooper was not dismissed. Since his retirement a Chinese inmate did escape from British Columbia penitentiary. Inspector E.R. Jackson was in charge of the penitentiary. Said Chinese inmate was under control of a guard and was employed in renovating the residence vacated by Warden Cooper. This residence was not occupied.

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May 28, 1928. Cont'd.

17. No.

18. Yes.

19. He resigned because of ill-health.

JUNE 5.

Grant to the Canadian National Committee for Mental Hygiene--
further amount required, \$10,000.

Mr. Ross (Kingston): Will the minister explain what ^{this} is required for?

Mr. King (Kootenay): This committee was organized in 1918 for the purpose of rendering assistance in the solution of the many problems connected with mental abnormality in the Dominion. The grant of \$10,000 was first voted for 1919-20 and has been paid each year since, with the exception of \$5,000 in 1923-24.

The association is dominionwide and is backed by substantial people, many of them having pledged their financial support for the next few years. They carry on investigations of the mental conditions amongst school children, prisons and asylums at the request of the authorities and report their findings to municipal and provincial governments with a view to the correction of conditions where necessary. Surveys of mental treatment have been made in several provinces and in most of these reforms have been made.

Psychiatric or dispensary mental clinics are conducted where examinations are made and much good work has been done in the treatment of the incipient cases of mental disturbances.

This committee has also gathered valuable information as to the mental condition of many of the immigrants to this country, and from their same publications are strengthened public opinion in support of the government's efforts to exclude the mental misfits from Canadian citizenship.

The committee is composed of prominent men. Dr. Charles F. Martin of Montreal, is president of the organization, and the

June 5, 1928. (cont'd.)

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executive officers are scattered throughout the various provinces. Undoubtedly they have done a very good work in stimulating public interest in the character of the work that is being done in the provincial asylums. Years ago the asylum was looked upon merely as a place of refuge where patients were detained and given food and care, but to-day in the various provincial asylums we have these mental cases receiving medical or scientific consideration and treatment, with the result that many cases are being relieved and are being returned to their homes and vocations.

Mr. Bennett: But the federal authority cannot reach the provincial institutions.

Mr. King: We cannot do anything more than subsidize an organization like this, which through propaganda and education is doing a very good work in Canada, work that the federal government might not be able to do. The people are sensitive in regard to suggestions in the matter of health and their home affairs, and especially sensitive of government interference, but men like Doctor Bates can through their organization and through the county and municipal councils carry on an effective campaign which is undoubtedly improving the condition in Canada and interesting the people in health matters.

Mr. Ross (Kingston): I do not think that this organization has very much to do with the situation so far as the provinces are concerned. The provinces are far ahead in this work, and their asylums are being run to-day in a manner that is far ahead of anything any organization of this kind can suggest. If the minister has reference to the penitentiaries, then I think some work could be done, but I intend to speak on that matter further when we come to the Justice estimates. I think, however, that the minister has exaggerated a good deal as to the work this organization is doing.

June 5, 1928. (cont'd.)

That it has any effect on the provincial authorities, I dispute, but if its work is in connection with the federal authorities, then I think it can be justified.

The minister also mentioned as a second argument the work which this association is doing in regard to immigrants, but having increased the grant now so that all those mental cases wishing to come are stopped from coming, there will be no further need for the grant. I would like to know what other reason the minister can give in justification for this grant. I am not going to say that I am against it, but I want to know why this grant is being made. None of the reasons given satisfy me.

Mr. Maloney: The Dominion has nothing whatever to do with asylums; they are entirely under the control of the provinces. Judging from the reports of the various provincial boards of health, the work is being done admirably. The minister has given us no reason to believe that we should take this work out of the hands of the provincial authorities. Therefore unless we get some more satisfactory explanation from him I feel that we should strike out this item.

Mr. King: This vote is very small. Since 1918 we have been voting annually ten thousand dollars to stimulate public interest ~~in mental~~ in mental hygiene. My hon. friend says the Ontario government run their asylums. That is true. But mental hygiene means education in the homes, in the schools, and in the universities to deal with cases before they become of such a character as to require treatment in asylums. Undoubtedly a great work is being done by organizations such as this not only in Canada but throughout the United States and other parts of the world. The Rockefeller Foundation is active in promoting mental hygiene in the United States. Many of the trained psychiatrists in the institutions in Ontario and the western provinces have been associated with this organization, and

June 5, 1928. (cont'd.) 155

Mr. King:

from it have proceeded to take other courses. This is a small grant and is solely for the purpose of stimulating the organization which is trying to improve the condition of those who happen to be somewhat mentally deficient and require considerate treatment and care.

Mr. Maloney: This is really the first intimation we have had that the federal government has attempted to do anything to improve the mental condition of anybody in this country. We have always thought the work was in the hands of the provincial authorities. It is all right to talk of Charlie Martin being at the head of the work in Montreal, but that does not justify the grant.

Mr. Ross: The minister's last explanation has not helped the vote very much. I object to this additional ten thousand dollars in the absence of any satisfactory reason for the increase. The work is well taken care of by the provinces, and I never heard of any person taking up such work in connection with the universities. What universities are engaged in this work?

Mr. King: Representations have been made to us that this organization expects to procure from the public subscriptions of over three-quarters of a million dollars, to be expended in the next four or five years. I know the University of Montreal will give a course in mental hygiene, and British Columbia through its University proposes to do so too. I have not been informed regarding Ontario, but I know that the people active in this work came largely from this province. It would be entirely out of place for the Dominion government to undertake this work, but we have felt from the representations made to us that this grant should be made. Since 1919 parliament apparently has been sufficiently impressed to make a grant of \$10,000 each year. We have increased it this year because we are advised that the organization intends to extend its work. No one who has followed such work can say that it is not important

June 5, 1928. (cont'd.)

Mr. King:

and should not be supported, especially when we find that those who have given thought to it are to-day contributing larger sums from their own means to encourage a continuance of the work.

Item agreed to.

JUNE 9.

SUPPLY--JUSTICE.

Salaries, contingencies, including the Solicitor General's office, \$302,690.

Mr. Ross (Kingston): I desire to bring to the attention of the Minister of Justice the criminal statistics of Canada. We have been led to believe that our penal institutions are being flooded with foreigners, but in looking over the statistics I find that suggestion is absolutely unfound. Taking the penitentiaries report, I notice these percentages, From 1917 to 1926 the percentage of Canadian-born in our penitentiaries was 63.4; in 1926, 66.6. The percentage of these from Great Britain and other British possessions occupying our penitentiaries was, from 1917 to 1926, 14 per cent; and of those from the United States, for the same periods, the percentages are 6.4 and 5.1 respectively. Taking the foreign-born in our penitentiaries from 1917 to 1926, the percentage was 16.2; and 1926 14.1. I am not going to take up the percentage according to the proportion of population, but I desire to direct the attention of the committee to the fact that the only percentage increase in the population of our penitentiaries occurs in our Canadian-born. As to education we have for years been led to believe that the illiterate form the main percentage of our penitentiary inmates, but this is not borne out by the figures. Taking the illiterate criminals, in 1924 the percentage was 2.7, in 1925, 3.1 and in 1926, 2.8. Of the next class, the elementary, that is, those educated up to matriculation, the percentage was 81.7 in 1924, 78.4 in 1925 and 75 in 1926. Coming to the superior educated, that is, those who reached a higher stage, the percentage was only 1.2 in 1924, 1.2 in 1925 and .9 in 1926. Let me point out this: the illiterate were not increasing in

June 9, 1928. (cont'd.)

Mr. Ross(Kingston):

percentage; the superior educated were not increasing but decreasing. Rather, the increases came from those who had gone through our public schools up to the threshold of higher education.

Then we come to juvenile delinquency. In 1925 the total was 8,739. Of these, 8,064 were boys and 675 girls. In 1926 the number was 8,846. Of these the boys numbered 8,245 and the girls 601. The total increase in the juvenile delinquents is 107; while there was a gross increase in boys of 181 there was decrease in girls of 74.

Now to summarize. So far as the penitentiaries are concerned I have a few points which I wish to direct to the attention of the minister. I will not touch the jails and asylums because the same considerations will apply to any increase there. First, the increase is coming from our own Canadian born; secondly, the increase is coming from the class who have received elementary education; thirdly, our juvenile delinquents are increasing. I think the time has come when the Justice department, in conjunction with our provinces, should take into consideration this serious situation. It is very grave when you consider that the boys going through our schools--those boys who have not gone on to higher education--are increasing in delinquency and the further fact that the boys are increasing in delinquency while the number of girls is decreasing. In my opinion the time has come, if we are to meet this situation at all, when the Justice department should enter upon some investigation of the cause for such a state of affairs. It is terrible when you think of the increase in delinquency amongst our boys. There must be some cause for it, and the Department of Justice and the departments of the attorneys general in the provinces should now take the matter up.

Mr. Lapointe: What suggestion has my hon. friend to offer with regard

June 9, 1928. (cont'd.)

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Mr. Ross:

to the method.

Mr. Ross: In the first place I would advise the minister that the time has come when he should put his foot down upon the present practice of sending boys to the penitentiary. There is no use in saying and that it is not going on; it is going on the boys are there. There are to-day in the penitentiaries boys of fifteen, sixteen and seventeen. I know the minister will tell me that they are sent there by the police magistrates, and that this is a matter over which he has not control. These boys are placed side by side with life inmates of the penitentiary. That is something that the minister can control--

Mr. Lapointe: Quite so.

Mr. Ross: --if he cannot control their admission. Then there is another situation. In Ontario we owe a great deal of the improvement in the province to the late Hon. W. J. Hanna. He provided an institution to which these boys might be sent. It worked well for a while but it is not working out at the present time. There is a little of the devil in these boys; there is no question about that. As soon as they escape from the institution they are taken and sent to the penitentiary. Ninety boys out of the institution, because they escaped, have been sent to the penitentiary.

These are two things which I want to impress upon the minister. First, the minister should have his officials, or the official in every institution, take up this matter with the younger people and find out just what was the beginning of their career. That he can do in the asylums and a few other places. He can then cooperate with the provinces, and that is something that can be done in the prisons, jails and so forth. We ought to be able in that way, far better than by taking the matter up through clubs and

June 9, 1928. (cont'd.)

Mr. Ross:

other institutions, to ascertain the cause in every case. "We can thereby discover whether it is due to the shows or to books, literature that has influenced them, or anything else. We should be able to find out in the majority of cases what started the boy in his course of crime. The second point is this: the time has come when there should be a more modern treatment of boy offenders than there is today. I do not agree that the Justice department or the attorney general's department in any province should ever let out of their hands the treatment of a boy after he has been delinquent. That is done now. There are private persons running schools and so forth, and I will mention one circumstance which will show how ridiculous the treatment is. Two boys in my city were convicted. One never had a crime recorded against him and the other was a chronic offender. The police magistrate and the chief of police did not want them back in the city. These two boys were sent up; the one who was thoroughly under the influence of the chronic offender had never committed a crime. How did they treat these two boys? The boy who had never committed a crime was sent up there on the understanding that if he served a few months he would be sent home, but when he got to this school the Department of Justice and the department of the Attorney general took the ground that they could not interfere because this was privately run institution for the treatment of boys. They insisted that this boy who had never before been in trouble should be retained in that institution the same length of time as the chronic offender. Finally they are sent home and if that boy ever had a chance he did not have it then. He was thoroughly under the influence of the chronic offender.

This is a serious situation and in my opinion the departments of the attorneys general should cooperate with a view to

June 9, 1928. (cont'd.) 164

Mr. Ross:

to solving the problem. If there is a cause it should be removed. I think I have demonstrated to-day that the foreign born element is not flooding our penitentiaries at least: the percentage there according to population is .62 in the case of the Canadian born and .04 in the case of the foreign born. So that there is no flooding on the part of the foreign born. In the second place the increase in delinquency is coming from our own Canadian born. Now we ought to be able to handle the situation and find a solution for it, and I suggest that the Minister of Justice take the matter into his serious consideration. Let him cooperate with the provinces and devise a more modern treatment of the difficulty.

Hon. Ernst Lapointe: My hon. friend from Kingston has certainly called the attention of the committee to an important and serious condition and I may assure him that anything I can possibly do to decrease the number of offences among young people, or at least to check increases in crime, I shall be only too glad to do so. Of course, as he says himself, these young people come under department only after they have been convicted. We are not in contact with them in any way prior to their having been sentenced by the courts. However, I am quite willing to discuss this matter with the attorneys general of the various provinces and to cooperate with them to effect any reform which would remedy this condition of things.

I am glad my hon. friend has directed attention to the untruth of the statement so often made that the large proportion of inmates in the penitentiaries are foreign born. I think we may modestly confess that in this country we are breeding our own criminals, and we should not charge other countries with sending them here/

I am strongly in sympathy with my hon. friend in connection

June 9, 1928. (cont'd.) 162

Mr. Earnest Lapointe:

with the reform he suggests having to do with young offenders, and I have already stated in this house that I do not think it fair to put young people sixteen, seventeen or eighteen years of age in continuous contact with hard-boiled criminals. They are not given a chance to reform and I thank my hon. friend for having spoken on the matter to-day. When the estimates are being prepared next year this will help me to convince my colleagues that the money will be well spent to provide for the construction of special institutions for young offenders. We should segregate those young offenders, give them a chance to reform. I do not know whether one institution would be sufficient; personally I think there should be two of them, one for eastern Canada and one for western Canada. This will mean quite an expenditure of money, but I think we owe it to our young people that this money should be spent. So far as I am concerned I can assure my hon. friend that I am in sympathy with his suggestion and I will try to convince the government and parliament next year that money should be provided for this purpose.

Mr. Woodsworth: I am sure we have all listened with interest to the remarks of the Minister of Justice, but some of us have listened to somewhat similar statements made year after year; we are told something is going to be done, yet years pass by and there is very little change indeed.

I hold in my hand the annual report of the superintendent of penitentiaries. For some years he has been asking the Minister of Justice to make certain changes; the Minister of Justice has assured us that he will try to persuade the government to make these changes and parliament to endorse the necessary expenditure, but I am quite sure that parliament is more than ready to make these changes now. I do not see why it should be such a tremendous task to

Mr. Woodsworth:

persuade the government to carry out the recommendations of their own officials, especially when they are so reasonable and when they have been adopted in other places. Even on this busy day--and I do not think these things should be left to the last moment--

I venture to take a few minutes to put on record these recommendations made by the superintendent. First he recommends the segregation and classification of young inmates; again he recommends the opening of a mental disease hospital. These reforms have been urged again and again by different societies throughout the country, and I do not see why they should be delayed for so long. The report also recommends the segregation of habitual criminals. I think that has been agitated for the past ten years, and I wonder how soon the government will take action?

Then it is recommended that more work be furnished to the inmates. Only last year the director of industry held a little exhibition in this very building in a ttempt to persuade the members of this house to take some action which would induce the government to provide more work for the criminals. It is an astonishing thing that these officials who are close to the prisoners and who see their needs have to come almost on their knees to the higher officials begging that something be done, while the minister comes and tells us in his turn that he is going to try to persuade the government to do something. Perhaps I am putting it rather strongly but I should like to see action taken, as indeed the government have indicated that action will be taken. Unfortunately such assurances have been given in the past, but year after year we have to face this unsatisfactory state of affairs.

If we could not supply work to the individuals inside these various institutions; then there are roads to be built and there is land clearing work to be done. I was through one of our penal

June 9, 1928. (cont'd1)

Mr. Woodsworth:

institutions in western Canada last year and saw the need for work of this kind. I wonder why we could not employ some of these men to build some of the roads which are so much needed; I am sure they would be much better off out in the open air under proper supervision than they would be cooped up in their cells. You may say that is not sufficient punishment, but I think it is helpful treatment if they are under proper supervision and are required to work for the state instead of working for their own personal advantage.

Then there is the further question of the payment of prisoners for their work. Some years ago the hon. member for Southeast Grey (Miss Macphail) after working for two years, succeeded in having a resolution passed by this house approving of the payment of prisoners. I had rather imagined that a resolution passed by this house after full discussion was almost equivalent to legislation, and certainly that it formed a mandate for the government upon which they might be expected to act. That resolution was adopted two or three years ago, yet prisoners are not being paid any worth-while sum, and their families are still being supported by the municipalities in which they live. Very often the families are punished more than the prisoners themselves.

I do not want to read the whole list of recommendations; I think we are all convinced of the need for these changes, and I am sure the country would welcome the adoption of these recommendations.

JUNE 9, 1928.

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PENITENTIARIES, \$1,831,072.

Mr. Gardiner: I would remind the minister of the resolution passed by this house some time ago recommending the provision of work and the payment for work to prisoners in our penitentiaries. I should like to ask the minister what action he is going to take in this regard.

Mr. Lapointe: A resolution was passed in 1926, and my hon. friend must remember that I was largely instrumental in having the house accept that resolution. I am willing to do what is possible towards employment in penitentiaries. The quantity of work produced is increasing value every year. For instance, the report of the superintendent shows that last year the revenue amounted at \$183,004.02, which is three times the revenue of a few years ago. But something more should be done. Of course, organized labour in Canada would object to articles made in the penitentiary being sold on the open market. The arrangement which is accepted now by organized labour, and which seems to be a fair one, is to have the penitentiaries produce the articles used by the various department of the government. With this I am very much in sympathy. I intend to visit all the penitentiaries this year if possible, and I will give this question the necessary attention in order to arrive at a possible solution. There are more difficulties in the way than appear on the surface, but it is a noble aim. There is nothing more detrimental to the morale in the penitentiaries than idleness; there must be work provided at all times. On the other hand, it must be productive work. Crushing stone, and things of that sort, as done years ago merely for the purpose of keeping them at work, is not good for the convict mentally, morally or physically. But in order that the work be productive there must be some place where the

June 9, 1928. (cont'd.)

Mr. Lapointe:

product can be utilized. With the cooperation of my colleagues in the government, I hope it will be possible to supply more productive work in the penitentiaries, and practice some of that economy of which the leader of the opposition was preaching so admirably this morning.

Mr. Brown: I was going to ask the Minister of Justice to take into consideration a question I brought before the house this session in the way of a resolution, but which unfortunately I was not able to discuss at any length because I was crowded into the last ten minutes of the sitting. I refer to the question of holding the sentence of the lash over a man until just before he is to be discharged from the prison. I have discussed this matter with many people and they all agree that any efforts made to reform a man must of necessity be ineffective if this sentence is being held over him. If the minister is visiting the penitentiaries this year I would like him to discuss that matter with men who are accustomed to dealing with criminals. As I said before, I had the opportunity of discussing it with the chaplain of one of the penitentiaries and he agreed heartily with the position I take.

Mr. Lapointe: I shall be pleased to consider the matter.

Mr. Garland (Bow River): This question of productive work for prisoners appears to be one of those long dragged out things upon which we all agree but cannot get any satisfactory result.

Mr. Lapointe: I beg my hon. friend's pardon; we did not all agree until 1926, and then it was rather an achievement to have the house accept it.

Mr. Garland: I think it was in 1925 the house accepted the resolution.

Mr. Lapointe: No, 1926.

June 9, 1928. (cont'd.)

Mr. Garland (Bow River): Going back to February, 1921, I find the report of a committee appointed by the Right Hon. C. J. Doherty, then Minister of Justice, to advise on the revision of penitentiary regulations and the amendment of the Penitentiary Act. The following appears on page 21 of that report.

The committee, therefore, most emphatically recommends statutory provision to provide productive labour for all convicts.

And further on, clause 26:

The mere provision of work is not, in the opinion of the committee, sufficient. That the heaviest penalty for a crime is paid not by the criminal, but by his dependents has been chiefly emphasized before the committee, not by philanthropists and charitable workers, but by judicial, police and penitentiary officers of long standing.

And again:

If anything but evil is to follow from punishment by imprisonment for long terms, it is, in the opinion of the committee, essential that such provision should be made as will allow the convict to earn at least something toward the support of his dependents during his confinement or of himself after his release.

With that I think the Minister of Justice agrees in principle, and I believe the government and the members of the house agree also. As the minister said, they agreed back in 1926 to the resolution moved by the hon. member for Southeast Grey (Miss Macphail) which was carried successfully and I think without a dissenting voice.

Turning to the statutes of this country, I find in the act respecting penitentiaries, sub-clause 3 of clause 62, the following:

The convicts may be employed in labor under the control of the crown.

I have no hesitation in stating that considerably more labour could be diverted to the penitentiaries in this country by the government ~~is~~ than is being done today. If the government is in earnest about this matter there is no need to draw the herring of

June 9, 1928. (cont'd.)

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Mr. Garland (Bow River)

the labour organizations across the trail. Later on the time may come when there will be an excuse for it, but as long as the government is going outside the penitentiaries for work that can be done just as efficiently within, work done in a excellent way and under excellent supervision, then I submit the Minister of Justice has not made out a case for delay. I most earnestly urge that the recommendations of the superintendent, Mr. Hughes, and the recommendations of this house dating away back to 1921, be carried out without further delay. there are cases of hardship and cruelty arising out of the non-action of the government in this matter.

In my own particular riding I have a case of a man committed to gaol. He probably deserved to go there, but he left a wife and three children absolutely dependent upon charity. They had almost to round from door to door, and were forced to seek assistance from the municipality and board of trade. This man was a sort of transient prize fighter, and he could have been employed at most useful work. As a matter of fact I understand he became an excellent shoemaker while in prison, but received nothing for his work. He should have been paid and that money could have gone back to his dependents and ~~child~~ relieved them of the stigma of having to look to charity for their existence. The wife and children were punished much more than the convict, and I most earnestly urge on the Minister of Justice and the Prime Minister that no further delay should be permitted in increasing the amount of crown work for penitentiaries.

Mr. Bancroft: While this vote is before the committee I would like to say a word regarding the Manitoba penitentiary, which is situated in my constituency. First of all I want to pay tribute to the very capable and efficient manner in which this institution is being run. The warden and officials seem to realize their

Mr. Bancroft:

responsibilities and appreciate the fact that they are dealing with humanbeings, and appear to be doing their best for the unfortunate individuals who are under their care. I agree in large measure with the words of the hon. member for (Bow River). I visit this institution very often, and I have seen the men at their work. It seems to me that when a man is doing some constructive work, when he is creating something, he takes an interest in it and from that time on it is easier to make progress in reforming him.

A great deal of the work that is being done at this institution at the present time is in the nature of building. The inmates have constructed some very fine buildings in the last few years and they are a credit to the institution. But I should like to direct the attention of the Minister of Justice to the houses that the government own at that institution. They own in all some thirty houses which are not a credit to the government of Canada. They are old houses; they are disgrace to the community and they disfigure the landscape. They are not modern in any way; they are without basements, and without furnaces. I suggest to the minister that when he goes west he look into this and see if he cannot agree with me that it would be advisable to have a nice group of cottages or bungalows, fully modern, that could be heated from the central steam heating plant of the institution.

Mr. Lapointe: We will visit it together.

Mr. Bancroft: Yes. These houses could be rented to the guards and officials of the institution and interest on the money invested in them could be earned in that way. Without a great deal of outlay some houses could be constructed there that would be a credit to the department, which certainly cannot be said of the present buildings.

Another matter to which I wish to refer--and I have mentioned

June 9, 1928. (cont'd.)

Mr. Bancroft:

it in the house before--is that the farm in connection with that institution might well be run in connection with or under the supervision of the experimental farm as a demonstration farm. I am sorry to say that we have a great deal of labour in that institution which is all situated in every way to make an ideal demonstration farm for that district. All I would suggest now is that the work be supervised by the officials of the demonstration farm at Brandon, and in that way it would become an object lesson to the farmers in the district. At this late stage in the session I will not detain the house by saying any more on the matter, but I hope the minister will look into it when he goes west this summer.

Mr. Bell (Hamilton): I should like to say in regard to the observations made by the hon. member for Lisgar (Mr. Brown) that the matter, so far as Ontario is concerned, has already been dealt with by the court of appeal which decreed that sentences of the kind of which the member spoke are invalid and will not be operative as to the administration of the lash towards the close of the serving of the term. The court of appeal for Ontario has set aside more than one sentence imposed under those conditions and it has decided that for that province at least there shall be no more of them.

Mr. Brown: I saw in one case that the court of appeal had so decided, but the decision referred only to one case in which the man, as they thought, had been wrongfully convicted.

Mr. Bell: They followed that up with others and decreed that.

April 4.

Penitentiary Inmates under eighteen years.

Mr. Ross(Kingston):

1. How many prisoners, male and female respectively, under eighteen years of age are confined at the present time in the penitentiaries of Canada?
2. What are the nationalities of these by numbers and not by name of inmate?
3. How many were sentenced by, (a) magistrates; (b) judges?
4. How many non-citizens of Canada are confined in penitentiaries of Canada?

Mr. Lapointe:

1. Males, 46; females, none.
- 2 . Canadian, 37; American, 4; Italian, 1; Newfoundlanders, 1; Scottish, 1; Norwegian, 2.
3. 24 by Magistrates; 22 by Judges.
4. 611.

(pp 1221)

April 4, 1929.

CASE OF GEORGE STARK.

Mr. Neill:

1. Has the attention of the government been called to the case of George Stark, who was sentenced to tow years imprisonment and twenty lashed for an alleged robbery at a ticket office of the Montreal Tramways in Montreal? He was convicted of having held up a tramway employee named Caisse has now been convicted of having been the principal in the robbery, and has been convicted of perjury at t the trial of the said George Stark?
2. Will the government take into consideration compensating this man for the unfortunate miscarriage of justice, under which he suffered?

Mr. Lapointe:

1 and 2. The matter is not one which concerns this government. The administration of justice in the province is within the exclusive legislative jurisdiction of the provincial legislature.

APRIL 4, 1929.

ALLOWANCE TO PENITENTIARY INMATES.

Mr. Church:

1. What has been done or will be done by the government or the Department of Justice, (a) to carry out the terms of a resolution adopted by the house in 1927 to pay an allowance to dependents of inmates of Canada's penal institutions under federal control; (b) to adopt measures to meet the provinces re providing proper institutions with the provinces for those of 16, 17 and 18 years of age?
2. Will anything be done by legislation this session to prevent those of 16, 17 years of age being sent to these federal prisons?

Mr. Lapointe:

1. (a) This matter is under consideration. (b) The meaning of this question is not understood. The government has, however, under consideration the making of provision at this session for the establishment of a special institution for the purpose of segregating young prisoners from hardened criminals.
 2. No.
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APRIL 4, 1929.

BRITISH COLUMBIA PENITENTIARY.

Mr. W. G. McQuarrie (New Westminster): Now that the Minister of Justice is back with us, I would ask him the question which I put to the Prime Minister (Mr. King) some weeks ago, and that is as to the delay in the appointment of a warden and deputy warden for the British Columbia penitentiary. These offices have been vacant now for almost a year and the matter is beginning to create comment, particularly in view of the fact that the present incumbent, the acting warden, is residing in an hotel in Vancouver and not at the penitentiary.

Hon. Ernest Lapointe: The Civil Service Commission has been asked to fill the position.

Mr. McQuarrie: When were they asked?

Mr. Lapointe: A few weeks ago. However, I will refresh my memory and let my hon. friend know.

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HOUSE OF COMMONS DEBATES, VOL. 11, 1929.

APRIL 17, 1929.

WELFARE OF PRISONERS' WIVES.

Mr. H. B. Adshead (East Calgary): Every year since I have been here I have asked the government what they intend to do in regard to the care of prisoners' wives, and I have always received the answer that the matter is receiving the careful consideration of the government. Would the Minister of Justice be good enough to tell the house if any progress has been made in that direction beyond further consideration?

Hon. Ernest Lapointe: The matter is still under consideration.

APRIL 18, 1929.

WARDENSHIP OF BRITISH COLUMBIA PENITENTIARY.

Mr. McQuarrie:

1. When did the position of warden of the British Columbia penitentiary become vacant?
2. When did Inspector Jackson assume duty as acting warden?
3. Has the said Inspector Jackson while acting as warden been residing at night at the Georgia hotel or any other hotel in Vancouver?
4. What expenses have been incurred by the said Jackson since becoming acting warden?
5. Did the said Jackson make the investigation and report on which the late warden, Lt.-Col. Cooper, was asked for his resignation?
6. Was the warden's residence at the said penitentiary burned at night while the said Jackson was in charge of said penitentiary but in the said Georgia hotel in Vancouver?
7. Was the said residence a total loss?
8. What was the value of same?
9. How did the fire originate?
10. Was any insurance carried?
11. How many escapes have there been from the said penitentiary during the time the said Inspector Jackson has been acting warden?
12. When did the position of deputy warden become vacant?
13. When was the Civil Service Commission asked to fill the said vacancies?
14. Will appointments be confined to residents of British Columbia?

Mr. Lapointe:

1. February 17, 1928.
2. February 25, 1928.
3. Yes, Inspector Jackson resides at the Georgia hotel in Vancouver, at night.
4. Total expenses--five thousand four hundred and thirteen dollars, and fifty-five cents. (\$5, 413.55.)

Mr. Lapointe:

5. Inspector Jackson made reports in connection with two investigations held into the management of the penitentiary at New Westminster by ex-warden Cooper. Ex-Warden Cooper was not asked for his resignation.

6. The Warden's residence at British Columbia penitentiary was discovered to be on fire at about two a.m. on February 7, 1929. Inspector Jackson was sleeping at the Georgia hotel, Vancouver, that evening. He was at the fire before it had assumed serious proportions.

7. Yes.

8. It is difficult to place a fair valuation on the warden's house. It was built early in the nineteenth century, and was for a time the residence of the governor of British Columbia when same was a crown colony. It was condemned many years ago on account of "dry rot". British Columbia newspaper accounts value it at about five thousand dollars (\$5,000).

9. The fire is believed to be of incendiary origin.

10. No. The general policy of the government is not to insure any of its properties.

11. Inspector Jackson has not been deputy warden. During the time he has been in charge of the prison as acting warden, there has been one escape.

12. May 31, 1928.

13. The warden, 26th March, 1928: The deputy warden, not yet.

14. No.

HOUSE OF COMMONS DEBATES, VOL. 11, 1929.APRIL ~~MAY~~ 29, 1929.JUVENILE DELINQUENCY.

Hon. Ernest Lapointe moved for leave to introduce Bill No. 170, respecting juvenile delinquents.

He said: This bill is a revision and at the same time a consolidation of the old act of 1908, incorporating certain changes which have been suggested by the conference which was held last summer of judges of juvenile delinquent courts and others interested in social work. The amendments relate largely to procedure and are of a nature to make the act work more smoothly.

Motion agreed to and bill read the first time.

(pp 2016)

HOUSE OF COMMONS DEBATES, VOL. 11, 1929.

MAY 1, 1929.

BOYS IN PENITENTIARIES.

MR. ROSS (KINGSTON):

1. How many boys under eighteen year of age detained in penitentiaries of Canada are first offenders?
2. What were the offences for which they were punished by penitentiary confinement?
3. How many came from institutions of detention under provincial control?

Mr. Lepointe:

1. 40.
2.

Manslaughter.....	3
Breaking, entering and theft.....	17
Theft.....	5
Indecent assault.....	1
False pretences.....	1.
Forgery and uttering.....	1
Robbery with violence.....	2
Theft from mails and burglary.....	1
Theft of automobile.....	2
Sending letters of threat.....	1
Robbery from person.....	1
Shopbreaking and theft theft.....	2
Breaking, entering, stealing	
and burglary.....	2
Shopbreaking, theft of auto,	
garage-breaking and theft.....	1.
3. 26.

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MAY 13, 1929.

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New Westminster Penitentiary.

Mr. W. G. McQuarrie (New Westminster): On May 14, 1928, an order was passed for the return of certain papers in connection with the New Westminster penitentiary, but that return has not yet been brought down. I should like to ask the Minister of Justice whether he does not think it is about time we were getting that return.

Mr. Lapointe: I will look into the matter, and if the return is ready, I shall be pleased to lay it on the table. But may I call the hon. member's attention to the fact that I do not think he has the right to criticize me, because, under the rules, a motion for a return drops after the session is over. If the motion had not been renewed this session, my hon. friend cannot get the papers as of right, although I will give them to him.

Mr. McQuarrie: That is very kind, but I believe the minister is not quite correct in his statement of the rule.

Mr. Lapointe: Yes I am correct. I will show my hon. friend Bourinot, Beauchesne and all the other authorities. I was reading them yesterday.

Mr. McQuarrie: The minister is good-natured to-day. In view of the delay there has been, will he bring the file up to date?

Mr. Lapointe: What is it about?

Mr. McQuarrie: It is in connection with an investigation which was held some time ago by Inspector Jackson into the affairs of the New Westminster penitentiary. There was a transcript of the evidence.

I might read the order:

Order of the house for a copy of the transcript of evidence taken by Inspector Jackson of his recent investigation of certain charges against Lt.-Col. H. W. Cooper, late warden of the British Columbia penitentiary at New Westminster, and into the administration of the said penitentiary; also a copy of all letters reports, or other documents or memoranda leading up to the said investigation, or during the course thereof; and also a copy of all letters, reports,

May 13, 1929. (con't.)

documents or memoranda subsequent to the said investigation, including all correspondence passing between the Minister of Justice and the said Cooper.

Will the Minister of Justice be good enough to bring the report up to date?

HOUSE OF COMMONS DEBATES.VOL. LLI.May 14th, 1929.NEW WESTMINSTER PENITENTIARY.

On the orders of the day:

Mr. W.G. McQuarrie (New Westminster): On the orders of the day yesterday, Mr. Speaker I asked the Minister of Justice (Mr. Lapointe) regarding a return which was ordered on May 14, 1928. On page 2433 of Hansard he is reported as making the following, statement:

I will look into the matter and if the return is ready, I shall be pleased to lay it on the table. But may I call the hon. member's attention to the fact that I do not think he has the right to criticize me, because under the rules, a motion for a return drops after the session is over. If the motion has not been renewed this session, my hon. friend cannot get the papers as of right, although I will give them to him.

When I differed with his statement of the rule he said: Yes I am correct, I will show my hon. friend Bourinot, Beauchesne and all the other authorities. I was reading them yesterday.

My Hon. leader (Mr. Bennett) also differed with the Minister of Justice.

I now ask the minister if he has looked through the authorities.

I would refer him to standing order 81 which reads as follows :

A Prorogation of the house shall not have the effect of nullifying an order or address of the house for return or papers but all papers and returns ordered at one session of the house, if not complied with during the session, shall be brought down during the following session, without renewal of the order.

Hon. Ernest Lapointe (Minister of Justice): Mr. Speaker, I desire to congratulate my hon. friend on having been right. Obviously he wanted it to be made public that he was right. I may say that I was right in principle; that was the former rule, because every decision of the house drops when the session is over, but the practice has been established in recent years so that these orders have not to be renewed. I shall be pleased indeed to give these papers to my hon. friend, and again I congratulate him on having been right this time.

(May 14, 1929, Cont'd)

Mr. McQuarrie: The minister was right two years ago, but he is not up to date.

Sir George Perley (Argenteuil): That has been the rule of the house for many years.

MOTOR AND PLEASURE BOATS.

On the orders of the day:

Mr. Peter McGibbon (Muskoka-Ontario): I desire to ask the Minister of Marine (Mr. Cardin) when I may expect to hear from him in regard to rescinding the order in council imposing a tax on motor boats and canoes on the Muskoka Lakes.

Hon. P.J.A. Cardin (Minister of Marine): Mr. Speaker, I am considering the representations made to me from different sources, and expect to be in a position to give a final decision in the course of a few days.

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HOUSE OF COMMONS DEBATES

VOL. 111

May 15, 1929.

Gus Carrier, Prince Albert Penitentiary.

Mr. J.A.Clark (Vancouver-Burrard) moved:

For a copy of all correspondence and other documents relating to Gus Carrier, Prince Albert Penitentiary, from January 1, 1925 to date.

Hon. Ernest Lapoint: May I ask that this order stand? I should like to ascertain what these documents are and whether they can be made public, because I see that this motion relates to a penitentiary.

Motion stands.

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HOUSE OF COMMONS DEBATES

VOL. 111.

May 16, 1929.

JUVENILE DELINQUENTS.

Hon. Ernest Lapointe: (Minister of Justice) moved the second reading of Bill No.170, respecting juvenile delinquents. Motion agreed to, bill read the second time and the house went into committee thereon, Sir Eugene Fiset in the chair.

On section 1-Short title.

Mr. Bennett: Perhaps the minister will explain the circumstances under which this bill has been prepared. As I understand the matter it has been very carefully gone over by a representative number of Canadians who are interested in questions respecting juvenile delinquents, and it has met with the unanimous approval of various organizations and experts in that particular line of endeavour. If that be so, the minister might make an explanation that would expedite the passing of this proposed legislation.

Mr. Lapointe: The bill arises entirely out of recommendations made at a conference of the Canadian Council on Child Welfare, held in October last and attended by persons from all parts of Canada, representing the various agencies connected with the enforcement of the Juvenile Delinquents Act throughout the Dominion. The conclusions of the conference were the subject of a report to the department and this bill embodies the suggestions made by the conference after a full discussion by judges, men at the head of this organization and officials of the Department of Justice. It is the old act with certain changes and improvements all made with a view to facilitating the working of the Juvenile Delinquents Act.

Section agreed to. P.2568

May 16, 1929 Cont'd.

On Section 2-Definitions.

Mr. Jacobs: If this legislation is to be put into force, and each province is to have the right to change the age, will it not interfere greatly with the uniformity of the Law? Why should one province declare that a juvenile delinquent may be eighteen years of age, while another declares that the age shall be sixteen?

Mr. Lapointe: There is no change as to that. That was the old act. A mistake was made in the revision of the statutes, and the change which appears to be made now is simply for the purpose of restoring in that respect what was in the old act. It has always been so.

Mr. Jacobs: /That is to say, under the law as it is now each province may declare who is and who is not a juvenile delinquent according to age?

Mr. Lapointe: Yes.

Mr. Jacobs: This is the explanatory note in connection with section 2:

Under the 1908 act the age is sixteen years. The two provisos are to enable the governor in council to provide by proclamation that the age may be raised to eighteen years in any particular province which desires it, and that such proclamation may have reference to boys or girls only or to both.

Mr. Lapointe: Under the 1908 act the age is sixteen years. By chapter 37, section 1 of the statutes of 1921, that provision was repealed and it was provided that "child" means a boy or girl apparently or actually under the age of eighteen years. But it was provided that the amendment should come into operation only in such province or provinces as the governor in council might from time to time by proclamation prescribe. The age is sixteen but, as my hon. friend says, it may be changed to eighteen years when a province desires the change to be made.

Mr. Jacobs: Does this not seem anomalous?

THE JOURNAL OF THE ROYAL ANTHROPOLOGICAL INSTITUTE, VOL. LXXV, PART 1, 1945. PUBLISHED BY THE INSTITUTE, 21, BEDFORD SQUARE, LONDON, W.C.1.

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May 16, 1929 Cont'd.

Mr. Bennett: Not in any sense to interrupt the explanation of the minister, I think the hon. member for Cartier will find the explanation in subsection (2) of section 3 of the act, which reads:

Where a child is adjudged to have committed a delinquency he shall be dealt with not as an offender, but as one in a condition of delinquency and therefore requiring help and guidance and proper supervision

It was thought desirable by some of the provincial authorities to exercise help and guidance and proper supervision over some children, who were older than sixteen years. Hence, sixteen being the standard it is provided that by proclamation the governor in council may continue those provisions to children of the age of eighteen. This is I think the governing section of the whole of this legislation, namely that a child is in a state of delinquency and is not an offender, but requires help and guidance and proper supervision.

Mr. Lapointe: As a matter of fact, only in British Columbia was such a proclamation made raising the age to eighteen. In all the rest of Canada it is sixteen.

Mr. Jacobs: That is to say, in British Columbia they have only as much intelligence at eighteen as in the other provinces they have at sixteen. I should like to hear from the hon. member for Vancouver Centre in regard to that.

Mr. Guthrie: Paragraph (g) reads:

"juvenile delinquent" means any child who violates any provision of the criminal code or any of Dominion or provincial statute or, of any by-law or ordinance of any municipality.

Is that not pretty broad?

Mr. Bennett: It has always been that way.

Mr. Guthrie: Municipalities have many by-laws that are more or less trifling, and it is pretty hard to make a delinquent of a child who

May 16, 1929 Cont'd.

Violates them. For example there are by-laws that provide that you shall not scatter paper in the parl or spit on the sidewalk. Surely you are not going to make a delinquent of a child who violates such by-laws as those.

Mr. Lapointe: Such a child would be treated with benevolence and care. If it were an ordinary provision in the criminal code my hon. friend would certainly be right, but I would call his attention to the fact that the old act contains the same provisions; the only change is the striking^{out} of certain words, namely:

For which violation punishment by fine or imprisonment may be awarded. The part which reads-

"Juvenile delinquent" means any child who violates any provision of the criminal code or of any Dominion or provincial statute, or of any by-law or ordinance of any municipality. - was in the old act.

Mr. Guthrie: "For which violation punishment by fine or imprisonment may be awarded."

Mr. Lapointe: those are the words that are asked to be struck out. I would hesitate to change the bill, because it was carefully considered and discussed by those most qualified to deal with it.

Mr. Ross (Kingston): Does the minister mean then that imprisonment is abolished as regards a juvenile delinquent?

Mr. Lapointe: My hon. friend will see that in the subsequent provisions of the bill the ordinary imprisonment is abolished. But paragraph (g) is only a definition of what a juvenile delinquent is.

Mr. Young (Saskatoon): I should like to revert for a moment to paragraph (g) of section 2 which refers to a child who is liable to be committed under the ordinance of any municipality. Suppose a child is haled into court for riding a bicycle on a sidewalk, which is

May 16, 1929 Cont'd.

a very common practice; would that constitute delinquency under this statute?

Mr. Lapointe: As the leader of the opposition said a few moments ago in reply to my hon. friend from Cartier, I think that the other provisions of the bill will help to a full understanding of the meaning and intent of the act. For instance, under section 3, where a child is adjudged to have committed a delinquency, he is to be dealt with, not as an offender, but as one in a condition of delinquency and therefore requiring help and guidance and proper supervision. It is not for the purpose of punishment so much as for the purpose of helping the boy or the girl in question. The fact that violations of municipal by-laws are included among the offences which may constitute a child a delinquent is really not so serious because, after all, the purpose is simply to provide help and guidance and proper supervision.

Mr. Jacobs: And warning sometimes.

Mr. Bennett: The hon. member for Saskatoon has asked a question that some of my friends here were asking a few moments ago, and I have had some little discussion with those interested. There is no change in the section from what it was before. The child who rode a bicycle on the sidewalk would not be charged as an offender, but merely as a delinquent if thought desirable. If it were not for the provisions of this act he would be charged as an offender. That is the real distinction, and the whole purpose of the bill is that instead of the punishment that would be meted out to an offender, help and guidance and proper supervision shall be given and the child treated as a delinquent, not as a offender.

Mr. Lapointe: It is based on kindness rather than on anything else.

Mr. Bennett: On kindness rather than on punishment.

Section agreed to.

The first of these is the fact that the weather was very cold and the ground was very hard. This made it difficult to move the heavy loads of coal and iron ore which were being transported to the mines. The second is the fact that the coal was of a very poor quality and the iron ore was very hard and difficult to smelt. The third is the fact that the iron works were very old and the machinery was very worn and inefficient. The fourth is the fact that the iron works were very small and the output was very low. The fifth is the fact that the iron works were very far from the mines and the transport was very expensive. The sixth is the fact that the iron works were very far from the sea and the export was very difficult. The seventh is the fact that the iron works were very far from the markets and the sale was very difficult. The eighth is the fact that the iron works were very far from the government and the support was very little. The ninth is the fact that the iron works were very far from the people and the demand was very low. The tenth is the fact that the iron works were very far from the future and the hope was very small.

May 16, 1929 Cont'd.

On section 3- Delinquency.

Mr. McGibbon: May we have an explanation of this?

Mr. Lapointe: I really cannot make it clearer than the wording of the section itself. This is the collective wisdom of those who are dealing with these matters. Perhaps this section is not altogether necessary, but it is more for the purpose of explaining the principle upon which this whole legislation is based.

Mr. McGibbon: I really think the minister ought to give us some better explanation than that. I have every sympathy with legislation of this kind, but it does seem to me that in all such acts the one object should be reformation, to reclaim those who have transgressed the laws of the country and put them in the way of making of themselves good and reputable citizens. Along with that it must be remembered that punishment is a means to an end, and I am rather afraid that much of the legislation we pass here has not that object in view, but rather that punishment is really punishment, instead of reform.

Mr. Lapointe: By the other provisions of the act sufficient punishment is provided, but as my hon. friend says, reformation is the principle underlying this bill. It is very likely that this section if not necessary, but it is harmless, and I believe it embodies a meritorious doctrine.

Mr. McGibbon: Many such sections as these appear to be harmless when they are passed by the house, but when placed in the hands of the law officers of the country to administer they are found not to be harmless, but rather detrimental, in my opinion, to the growth and development of character.

Mr. Lapointe: It will perhaps surprise my hon. friend if I tell him that his objection was mine when this bill was submitted to me by the officers of the department. I also thought that this section, although

May 16, 1929. Cont'd.

finely worded, was not necessary, but they said that it was harmless and they would hesitate to advise that it be struck out because it was recommended by the child welfare organizations after very long and serious consideration.

Mr. McGibbon: I would recommend to the minister that he have the courage of his convictions and strike it out.

Mr. Lapointe: I am always willing to take the advice of others. On this bill I would prefer, perhaps to take the advice of the different bodies that met here last fall. Perhaps my hon. friend does not believe in them but I do. There are many other matters on which I should be very glad to take the advice of my hon. friend.

Mr. McGibbon: Does the minister say that he takes their advice against his own convictions?

Mr. Lapointe: Ah well, may be.

Section 3 agreed to.

Sections 4 and 5 agreed to.

On section 6-Powers of judge of juvenile court.

Mr. Ross (Kingston): Is provision made in all places for a juvenile trial?

Mr. Lapointe: No.

Mr. Ross: What about those districts in which great harm is done and where there is no juvenile court.

Mr. Lapointe: The act does not apply. It applies only in provinces where they ask that a proclamation be issued to apply the act, and in cities where a by-law is passed to that effect, and where it is proved that the necessary facilities for the enforcement of the act are available.

Mr. Ross (Kingston): But this act arranges for special trials in all cases?

May 16, 1929 Cont'd.

Mr. Lapointe: Yes.

Mr. Ross (Kingston): The minister knows the great harm done by magistrates in country districts who impose sentences out of all proportion to the offences committed.

Mr. Lapointe: I know that. The idea is to extend the act as much as possible, but it does not apply where proper facilities are not provided.

Mr. McGibbon: This would not apply in Ontario except to such cities as Toronto, Hamilton and London?

Mr. Lapointe: I cannot say from memory all the places where it applies but I know only last week we issued a proclamation applying it in the city of Oshawa.

Mr. McGibbon: It would not apply in the rural districts.

Mr. Lapointe: No.

Section agreed to.

Sections 7 and 8 agreed to.

On section 9-Exceptional procedure when offence is indictable.

Mr. McQuarrie: Have any representations been made to the Minister of Justice as to the advisability of changing this section?

Mr. Lapointe: No.

Mr. McQuarrie: I know there have been complaints that too much responsibility is imposed upon juvenile courts. This section applies to indictable offences committed by juveniles who are apparently over the age of fourteen years. It is to be noted that discretion is given to the magistrate or to the juvenile court judge to order that the child be proceeded against by indictment. That is in the absolute discretion of the juvenile court. The section proceeds:

May 16, 1929 Cont'd.

But such course shall in no case be followed unless the court is of the opinion that the good of the child and the interest of the community demand it.

So that the juvenile court has the exclusive jurisdiction as to whether it shall try the offender or whether there shall be an indictment. In practice it is found that the juvenile court judge is more or less inclined to be very lenient with children who appear before him or her- in some places of course we have women juvenile court judges. Very serious offences are committed by boys who are almost men, and it is the gavamen of the complaints I have heard that in many cases these boys are not punished as they should be owing to the system in vogue in juvenile courts. I suggest there is something worth considering in these complaints, and that there should be a change made in the section by adding these words:

-or on the application of the attorney general of the province where the offence is committed.

In such a case where the attorney general thought it advisable he would simply make application to the judge, and the judge would be bound to commit that child by way of indictment. The present practice does not work out very well, inasmuch as it is more or less an encouragement to the young hoodlums I am referring to to commit serious offences when they know they will not be adequately punished.

Mr. Lapointe: As my hon.friend will notice, this is not a new section. The principle upon which the act is based is that even when children break the law they are still children and should be treated as such rather than as adult offenders. I would hesitate to accept the change mentioned by my hon.friend to take away discretion from the judge of the juvenile court. who is well acquainted with the conditions of the

The first of these was the establishment of the first public school in the city in 1630. This was the first of a long series of schools which have since been founded in the city, and which have played a great part in the education of the people of Boston.

The second of these was the establishment of the first public library in the city in 1630. This was the first of a long series of libraries which have since been founded in the city, and which have played a great part in the education of the people of Boston. The third of these was the establishment of the first public hospital in the city in 1630. This was the first of a long series of hospitals which have since been founded in the city, and which have played a great part in the education of the people of Boston. The fourth of these was the establishment of the first public workhouse in the city in 1630. This was the first of a long series of workhouses which have since been founded in the city, and which have played a great part in the education of the people of Boston.

The fifth of these was the establishment of the first public almshouse in the city in 1630. This was the first of a long series of almshouses which have since been founded in the city, and which have played a great part in the education of the people of Boston. The sixth of these was the establishment of the first public prison in the city in 1630. This was the first of a long series of prisons which have since been founded in the city, and which have played a great part in the education of the people of Boston. The seventh of these was the establishment of the first public court in the city in 1630. This was the first of a long series of courts which have since been founded in the city, and which have played a great part in the education of the people of Boston. The eighth of these was the establishment of the first public office in the city in 1630. This was the first of a long series of offices which have since been founded in the city, and which have played a great part in the education of the people of Boston.

May 16, 1929 Cont'd.

community, and to give that discretion to the attorney general. It is evident that the latter could not devote the same personal attention and personal care to the conditions under which the offence may have been committed and in which the child finds himself as could the judge or even the committee dealing with the question of children in that community. I believe the act has always worked well so far as this section is concerned and that we should retain it.

Mr. Bennett: I am rather inclined to believe that there is something in the observations made by the hon. member for New Westminster. My attention was directed to a case in which a juvenile court judge was always inclined to err on the side of the sentimental regard for the delinquent, with the result that certain rather grave offences were treated with a very great lack of seriousness. Would any injury be done to this statute if it provided:

Where the act complained of is, under the provisions of the criminal code or otherwise, an indictable offence, and the accused child is apparently or actually over the age of fourteen years,-

Fourteen years being the age at which intent may be presumed,

the court of the attorney general of the province in which such court is situate-

being the words used in section 7.

may, in its discretion, order the child to be proceeded against by indictment in the ordinary courts, in accordance with the provisions of the Criminal Code in that behalf; but such course shall in no case be followed unless the court or the attorney general is of the opinion that the good of the child and the interest of the community demand it.

There is no doubt that there must be a very sharp dividing line between the desire to bring about reform by kindly means and the regard for punishment. If an indictable offence has been committed- it must be indictable and the delinquent must be over fourteen years of age. There comes a time when it will be that the sentiment of the presiding judge would lead to a course which would be injurious to the welfare of the

May 16, 1929 Cont'd.

country, and the attorney general who after all has considerable responsibility under the criminal code should be in a position to say "it is quite clear that this is a case in which the ordinary course of justice should be followed, and the case heard as an ordinary charge against the provisions of the code". I do not think any injury can ensue from this and it is just possible that an untrained legal mind might realize that after all there was the principal officer of the crown to whom an appeal might be made in that regard. It is worth considering. My hon. friend from New Westminster has mentioned the matter and the minister no doubt sees that there might be a case where it would be desirable to take this view.

Mr. Lapoint: If our minds are centered on punishment probably my hon. friend is right; his view is no doubt sound if we are thinking of punishment rather than of reform and improvement. I think, however, that the judge of the juvenile court is better situated to know whether it is more in the interests of the child and even of society that a boy should not be sent to an ordinary prison. I really cannot see that it would be in any way advisable to change the law.

Mr. McGibbon: I voice my personal opinion when I say that extreme penalties especially prison sentences, should be our last resort. When you imprison people a stigma follows them to the grave; that stigma falls also upon the wife of a man as well as upon his children. To put a boy of fourteen or fifteen, or even sixteen or seventeen in a gaol for any offence without taking into consideration his education, his environment, his training or his parents is, I think, a very great mistake. We wish in this country to bring up respectable citizens, and I have always been opposed to gaol sentences except as extreme penalties. The object of all punishment is reform, and especially is

May 16, 1929 Cont'd.

this true when you are dealing with children who have not had the advantage of proper home influence, training and environment and whose mistakes or crimes, if you will, are committed in ignorance. I am very much opposed to taking the authority away from the local body and placing it in the hands of the attorney general.

Section agreed to.

Sections 10 and 11 agreed to.

On section 12- Names not to be published or identity of child indicated.

Mr. Ross (Kingston): Does this include the publication of pictures?

This has got to be a serious matter.

Mr. Lapointe: I am sure it does.

Mr. Adshead: This section speaks of a delinquency committed by a child. under section 2 "child" means any boy or girl under the age of sixteen years. Now in section 9 we are providing that any child over the age of fourteen may be proceeded against by indictment in the ordinary course. Surely that is not consistent; if he is under sixteen he is a child and should not be dealt with.

Mr. Lapointe: Section 9 deals with cases in which the child may be proceeded against under the provisions of the criminal code, in the discretion of the judge.

Mr. Adshead: Nevertheless he is still a child.

Mr. Lapointe: Yes, but in that case it is in the discretion of the judge.

Mr. Jacobs: Does not the Hon. gentleman know that a child of fourteen can be hanged for murder?

Mr. Adshead: You have defined "child" as a person under sixteen; surely you will not proceed against a child by indictment.

Mr. Jacobs: A child can commit an offence.

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May 16, 1929 Cont'd.

Mr. Bennett: The hon.gentleman has overlooked one fact. The criminal code provides that at the age of fourteen certain obligations rest upon every person, male or female, and section 9 of this act declares that the provisions of the criminal code may if the judge so determines, become operative against that person if he or she is over fourteen. This act provides that up to the age of sixteen, the child shall be regarded as a delinquent. There is no inconsistency; section 9 relates to the criminal code, which provides that every person, male or female, becomes responsible in the eyes of the law at the age of fourteen.

Section agreed to.

Sections 13 to 15 inclusive agreed to.

On section 16- Court may adjourn or postpone hearing.

Mr. Jacobs; Just as a matter of information I should like to ask the Minister of Justice why all these sections which are not changed are reenacted?

Mr. Lapointe: This is a revision and consolidation of the act.

Section agreed to.

On section 17-Proceedings may be informal.

Mr. Lapointe: I may say that the convention made a recommendation which went much further than this; they recommended that we should provide that any warrant or process issued by the juvenile court should run through all parts of the Dominion. In the department we thought it better to retain the limitation contained in the criminal code and to require that a warrant be endorsed by a judge in the district in which the arrest is to be made. I think there can be no objection to this section in its present form.

Section agreed to.

On section 18- Seal not required.

May 16, 1929 Cont'd.

Mr. Lapointe: The same rule applies under the criminal code.

Section agreed to.

Sections 19 and 20 agreed to.

On section 21- May be dealt with under p rovincial law.

Mr. Lapointe: This is unchanged excep t for a merely informal amendment.

Section agreed to.

On [~]section 22-Parent or guardian may be ordered to pay fine, damages or costs.

Mr. Bennett: Under this provision it would be possible to impose a penalty upon the parents of a child without their having an opportunity to be heard. I think this question should be carefully considered by the law officers of the crown.

Mr. Lppointe: I must confess that I was awaiting the reaction of the committee to this section. Personally I think it goes rather far, and if it were not for the fact that it was so strongly recommended by this convention I would hesitate to support it. I am quite willing to let this section stand.

Mr. Bennetts: The principle is all right

Mr. Lapointe: Yes but we are making the p arents or guardians responsible and they may be compelled to pay.

Mr. Bennett: Without having a chance to be heard.

Mr. Lapointe: I do not think parliament usually goes quite so far I am quite willing to let this section stand for further consideration and we may be able to suggest changes which will make it less objectionable.

May 16, 1929. Cont'd.

Mr. Bennett: There is a provision in subsection 4 giving the parents a chance to be heard, but the relation between the two is not quite what it might be. If the minister would let it stand we would have an opportunity of looking it over and trying to make it satisfactory.

Section stands.

Progress reported.

HOUSE OF COMMONS DEBATES.VOL. 111.May 22, 1929. IMMIGRATION POLICY.

Mr. Adshead: All conservatives are not of the right character, any more than members of other parties. I am not concerned about this party fight but I am very much concerned about some of the people we are getting in Canada. Last fall, before I came to this house, Colonel Saunders, the police magistrate of Calgary, called me to his office, and said: "Here is a very serious situation and I wish you would try to do something about it." I asked what he meant and he said: "Today three men were convicted of a certain crime, and these men are all recent immigrants who came to Calgary. These men were convicted of the very same crime in the country from which they came." The point I want to bring out is that we want not only men with brawn, muscle and money; we want men of character, not escaped convicts. I would not say that this condition is general, but I hold in my hand the report of the proceedings of the convention of the Chief Constables Association of Canada, held in Toronto last August, and I desire to read a few statements contained therein. One of the papers read at that convention contained the following statements:

My attention has been drawn repeatedly of recent years to the number of ex-convicts who are coming to Canada from...whose names figure on our dockets and who help to fill our gaols.

I will not read the names of the countries, but hon. members may read this report at any time. The paper continues:

It will be a surprise to many people that criminals should come to Canada from these countries, because of all the nations that contribute to the immigration totals of Canada there is none more suitable by blood and training to assimilate with Canadian stock than the hardy people who hail from...Despite this it is a fact that quite a large number of criminals are yearly arriving in Canada from there, and a remedy must be obtained for it.

Towards the end of the chapter I find the following statement:

May 22, 1929 Cont'd.

During the war years and a few years following, the criminals from northern Europe did not cause the police departments much worry, there being no new arrivals to speak of. But with the influx commencing in 1925 they have been coming to the fore, and unless that influx is checked, Canada will continue to be a haven for the liberated criminal or the wanted one.

I might quote a number of paragraphs from this paper, but there is one statement in particular which seems to apply to the present situation:

As was said at the beginning, there is no attack on patriotic citizens and we can do with more of them, provided they do not send any more of their bad eggs as well. The Canadian Chief Constables' Association may be able in a diplomatic way to draw the attention of the Department of Immigration to a better way of selection than at present employed. The problem is a tremendous one and it would be quite unfair to attack the Department of Immigration for the oversight or cupidity of some shipping agents abroad.

I do not desire to read the whole paper, but it is worth reading and I draw it to the attention of Hon. members of this house and of the Department of Immigration. A better supervision should be maintained of those who come to Canada; we should require something more than merely brawn, muscle or money.

Mr. Forke: I do not think the Hon. member wants to be unfair, but perhaps he does not know that any immigrant convicted of a crime within one year or perhaps within five years of his arrival in Canada is immediately deported.

Mr. Adshead: That may be so, but the point is that they are deported after they have come here and they should never be permitted to enter the country. If we knew the records of these immigrants and were able to find out their criminal records we would be able to stop them from entering the country.

Mr. Forke: I am afraid I am delaying my own estimates, but every hon. member knows the complaints which are made continually with regard to asking too many questions of intending immigrants in Great Britain. That whole scheme is intended to prevent just this sort of thing.

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May 22, 1929 Cont'd.

Mr. Adshead: There you have the statement made at that convention and I would suggest that the minister read the entire proceedings.

Mr. Forke: I believe this association recommended that every man entering Canada should be finger-printed and I want the house to imagine the feelings of any decent Englishment who may be required to have his finger-prints taken before he is allowed to enter the country.

Mr. Adshead: There are other ways of finding out these things, but in the short time at my disposal I am not going to discuss them. Surely the minister will not say that the entry of these men cannot be prevented; I do not want him to leave that impression upon the house, because there are other methods.

Mr. Forke: Was not that the recommendation of the Chief Constables' Association?

Mr. Adshead: I did not say that. The minister wants me to read the entire report, but I think I have put enough on Hansard now.

HOUSE OF COMMONS DEBATES.

VOL. 111.

May 27, 1929.

GUS CARRIER-PRINCE ALBERT PENITENTIARY

Mr. J.A. CLARK (Vancouver-Burrard) moved: For a copy of all correspondence and other documents relating to Gus Carrier, Prince Albert Penitentiary from January 1, 1925 to date.

Hon. Ernest Lapointe: (Minister of Justice): When this matter came up the first time I said that there were objections to tabling the documents, some of them in any event. The matter is under consideration by the department. As a matter of fact I expect a report from an Officer whom I have instructed to look into this case. The whole record consists of confidential documents exchanged between the officers of the penitentiary branch and I do not think that, under the practice these documents should be tabled. However, I think that in a couple of days I will be able to tell my hon. friend the result of the investigation.

Mr. Clark: We will let it stand then.

Motion stands.

HOUSE OF COMMONS DEBATESVOL. 111.May 29, 1929. Transfer of penitentiary inmates.

Miss Macphail:

1. How many inmates were transferred from Portsmouth to Stony Mountain penitentiary in 1928?
2. How long were the inmates kept t at Stony Mountain?
3. Why was the transfer made?
4. How many inmates were transferred from Portsmouth to Prince Albert penitentiary in 1928?
5. How long were the inmates kept at Prince Albert?
6. Why were they transferred to Prince Albert?

Mr. Lapointe:

1. 1 from Kingston penitentiary to Stony Mountain penitentiary.
2. This inmate is still in Manitoba penitentiary.
3. For disciplinary reasons.
4. None.
5. Answered by No. 4.
6. Answered by No. 4.

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HOUSE OF COMMONS DEBATES

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June 3, 1929. Gus Carrier - Prince Albert Penitentiary

On motion of Mr. Clark:

For a copy of all correspondence and other documents relating to Gus Carrier, Prince Albert penitentiary, from January 1, 1925 to date.

Mr. Clark: I think that ⁱⁿ the absence of the Minister of Justice this motion should stand.

Motion stands.

VOL. 111

June 4, 1929.

JUVENILE DELINQUENTS' ACT AMENDMENT

Concurrence in Senate Amendments.

Hon. Ernest Lapointe: (Minister of Justice) moved the second reading of and concurrence in amendments made by the senate to Bill No. 170 respecting juvenile delinquents.

He said: Mr. Speaker, the senate has amended this bill by adding two or three subsections which were suggested by the child welfare organizations, and which really improve the bill. There is no objection to them on the part of the Department of Justice.

To section 17 the senate has added subsection (5) providing that when a child has been placed under the surveillance of a foster home outside the jurisdiction of the court, the court may issue a warrant or any other process outside of its jurisdiction for the purpose of reaching such child.

Subsection (3) of section 22 has been amended to read:

(3) Where under the provisions of this section or of section 20, a sum of money is ordered to be paid, the court may adjudge either by the order respecting the payment of such sum or by an order made subsequently, that the same shall be recoverable by distress and sale of the goods and chattels of the party and in default of such distress by imprisonment.

That follows a similar provision in the Criminal Code.

Section 36 has been amended to read in this form:

36.(1) Every juvenile court shall have such and like powers and authority to preserve order in court during the sittings thereof and by the like ways and means as now by law are or may be exercised and used in like cases/for the like purposes by any court in Canada and by the judges thereof, during the sittings thereof.

June 2, 1929 Cont'd.

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(2) Every judge of a juvenile court, whenever any resistance is offered to the execution of any summons, warrant of execution or other process, issued by him, may enforce the due execution of the same by means provided by the law for enforcing the execution of the process of other courts in like cases.

There are no other amendments.

Motion agreed to; amendments read the second time and concurred in.

HOUSE OF COMMONS DEBATES.

VOL. 111.

June 12, 1929. ACCIDENTS IN PENITENTIARIES.

Miss Macphail:

1. How many fatal accidents have occurred in each penitentiary in Canada since 1925?
2. How many serious accidents have occurred in each penitentiary since 1925?

Mr. Lapointe:

1. One in Manitoba penitentiary; none in the others.
2. Kingston penitentiary.....5
St. Vincent de Paul penitentiary.....15
Manitoba..... 2
Dorchester..... 2
British Columbia..... 3
Saskatchewan.....

Total.....28

VOL. 111June 12, 1929, Supply-Justice.

Mr. Woodsworth: What provision is there for securing anything like uniformity in the sentences imposed for various crimes throughout the country? Is that matter left entirely to the discretion of the judges or is there any possibility of having some uniformity established.

Mr. Lapointe: No. The only possible course would be to amend the various sections of the criminal code, fixing certain definite sentences for certain offences, which sentences would be invariable. But that would not be desirable. Some discretion must be left to the judges inasmuch as the circumstances vary, and we certainly cannot interfere with the courts in that regard.

Mr. Woodsworth: Is no supervision of any kind exercised by the department over the various judges?

Mr. Lapointe: Not so far as their judicial functions are concerned.

Mr. Woodsworth: Perhaps I might give an instance of what I have in mind, although I will not mention the names of any judges; it is the principle rather than the individual that concerns me. A certain justice, dismissing from the jury a man who had intimated that for conscientious reasons he could not serve in a trial involving capital punishment, remarked that a man who adopted that attitude was not a good Canadian citizen. He is reported thus:

"You have no right to live under the British flag," said His Lordship. "As long as the law provides for capital punishment it must be obeyed. There is a constitutional method of changing the law but it is not for jurymen to alter it."

It does seem to me hardly the thing for a judge to take such a position when a man on conscientious grounds declares his unwillingness to serve on the jury in a particular case; this man had every right to decline to act on that jury. Is there no way by which judges may

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be checked in rather reckless statements of this sort?

Mr. Lapointe: My hon. friend's principle is wrong; I would not agree with him. I consider the independence of the judiciary the best safeguard of society. If we could exercise some influence on judges, I believe that everyone would suffer in Canada. The law has seen to it that our judges shall be absolutely independent of any influence whatsoever, and were a judge to take that stand again I should support him.

Mr. Woodsworth: I too wish the judges to be independent, but not arbitrary. Let me cite another instance which has been brought to my notice. A judge addressing a prisoner said:

The jury have found you not guilty on evidence upon which a verdict of guilty might equally have been returned. For myself, I think that you fired the shot that killed.....and I think some steps will have to be taken. I will make my report accordingly, for I think you are not a safe man to be at large.

I do not know all the circumstances, but it seems to me very strange for the judge in this case to have swept aside the verdict of the jury. I am not a lawyer but I regard it as an arbitrary act on the part of the judge when he undertakes to give his own opinion in this way, virtually disregarding the verdict of the jury. I should like to know whether there is any way of criticizing judges or of exercising some supervisory power, without of course, necessarily involving impeachment.

Mr. Lapointe: In the interests of all I do not think that such control should be exercised. Not only has parliament decided that this shall not be done, but I am not quite sure even that my hon friend is in order in thus criticizing the judge in that particular case.

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The rules of the house forbid such criticism. So far as I am concerned I will certainly not express my personal views as to whether the judge was right or wrong in that respect.

Mr. Evans: To emphasize the importance of the remarks of my hon. friend (Mr. Woodsworth) I cannot do better than give an instance that has come to my attention. In one case a car was stolen and afterwards left outside the city in a damaged condition for the owner to get it. The culprit, a lad of eighteen was let out on suspended sentence and during that suspension he committed four other crimes. Altogether he was up for nine crimes and during the course of his operations he secured booty to the extent of \$500. going so far as even to rob women; he did his looting at ladies' aid meetings and so forth. Nine offences were proved against him and still he was left at large on suspended sentence. He was also allowed to go into a neighbouring town to work, and apparently nothing could keep him in the right path. It seems to me that there is an utter discrimination in the dispensing of justice in the west today. I could mention cases to show that sentences have been unduly severe while in this particular instance I have cited it has been the very opposite.

Mr. Lucas: When was the criminal code amended granting to agricultural fairs and certain religious bodies the privilege of running wheels of fortune and lotteries?

Mr. Lapointe: It was about three years ago. I remember that my hon. colleague the Minister of Agriculture (Mr. Motherwell)- and I must say ~~at~~ I was surprised at this- was very strongly in favour of it.

Mr. Chaplin: But you did not oppose it.

Mr. Lapointe: It was not contrary to my own principles but I thought it was contrary to those of my colleague. However, it passed the house without much opposition.

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Mr. Lucas: Has the minister had any recommendations in this regard from other organizations this year?

Mr. Lapointe: Yes.

Mr. Lucas: Has any action been taken with respect to these recommendations?

Mr. Lapointe: No; next year a bill will be introduced proposing many amendments to the criminal code, but we do not desire to take action in this regard at the present time, particularly in view of the fact that the Revised Statutes of Canada, covering provisions in the criminal code, have been in force now for only a year. Under the circumstances I thought it was better not to introduce any changes in the code during the present session.

HOUSE OF COMMONS DEBATESVOL. 111.June 12, 1929. Supply-Justice.

Penitentiaries-

Kingston \$464,312.

St. Vincent de Paul \$224,660

Dorchester, \$302,000.

Manitoba, \$230,180.

British Columbia, \$205,500.

Alberta \$3,120.

Saskatchewan \$266,580.

General \$1,400-Total \$1,897,762.

Miss Macphail: I understand there have been a number of prisoners taken from Kingston to Stony Mountain in recent years. I placed a question on the order paper but apparently I did not get the answer for the years in which I was interested. I should like to know how many prisoners were taken from Kingston to Stony Mountain in the years 1922, 1926 and 1929, and how long they were kept there.

Mr. Lapointe: I understand that in 1922, there were 75 convicts transferred to Stony Mountain; in 1926 there were 80 and this year there were 48. These transfers are made when the population of some penitentiary has increased to such an extent that they cannot accommodate them.

Miss Macphail: I understand they were sent out there to build an addition to the Stony Mountain penitentiary, and I wondered if there was any real reason why they should not stay at home and build an addition to Portsmouth penitentiary, from which they were transferred.

Mr. Lapointe: My hon. friend's information is not quite correct; they were not transferred to build an addition to Stony Mountain penitentiary but to do the ordinary work which is being done there. There

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was a good deal of vacant space at that penitentiary while Portsmouth penitentiary was crowded, and I might just add that it would be difficult to build an addition at Kingston on the space available there.

Miss Macphail: The minister has not told me how long the prisoners were kept at Stony Mountain in 1922 and 1929?

Mr. Lapointe: Until the termination of their sentences.

Miss Macphail: I think that is not quite fair to these men, if their homes were in Ontario and they were not particularly bad types of people. They are prevented from seeing their relatives at all, because very few people could journey to Stony Mountain to see them; they are really exiles from their own province and unless there is some real reason why they were sent there, either for their own protection or for reasons of discipline, I cannot understand why this was done. Why cannot an addition be built to Portsmouth penitentiary? Is there no more land available?

Mr. Lapointe: That is for the good administration of the penitentiary.

Mr. Guthrie: I would like to inquire of the minister with regard to a case which has been recalled to my memory by the remarks of the hon. member for Southeast Grey. A crime was committed in Ontario and the man was convicted of manslaughter and sentenced to fifteen years imprisonment. This man was sent to Stony Mountain penitentiary, xx where I think he has been for three or four years. This man's home was in Guelph, where I live, and he has three or four small children who have never seen their father since he was convicted. I have had a letter from a gentleman who is a member of the parliament of Italy which I have had translated by the Italian consul general; this gentleman deals with the case very fully and asks if there is no provision under our law by which these children may be permitted to

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visit their father occasionally while he is in custody. He also asks why this man was sent to a prison so far away from the place where he lived or the place where the crime was committed. Would it not be possible to have that particular prisoner transferred to Kingston? If that was done, occasionally at least his children might see him and that is all that is asked in this case.

Mr. Lapointe: If my hon. friend will be good enough to send me the name of that prisoner certainly I will look into the matter and if it is possible to remedy the situation I will be pleased to do so.

Miss Macphail: While that will look after this one man it will not do anything for the rest of these prisoners. I do not think the minister answered my question and stated why these people were sent to Stony Mountain. We used to think that these prisoners had no rights at all, but I think that is not the general opinion today, and I think there should be something done to guard these men against being exiled from their own province for a term of years. What is the basis of selection of those who are to be sent from Portsmouth to Stony Mountain?

Mr. Lapointe: The officers of the penitentiary make the selection. They take into consideration the section of the province from which the man comes, the number of visitors he has been receiving and so forth. For instance a man from Western Ontario would not be very much farther from his home when he was in Stony Mountain than he would be at Kingston.

Miss MacPhail: In this regard the minister relies wholly upon the judgment of the officials of the penitentiary.

Mr. Lapointe: Surely my hon friend would not ask me to go and make the selection myself?

Miss Macphail: No but if the minister relies upon the judgment of the officials of the penitentiary in this case, why does he not do it in

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connection with the recommendations which have been made by Brigadier General Hughes? He has made some very specific recommendations but the government will not do anything.

Mr. Lapointe: Surely, my hon friend does not compare a matter of policy up on which a minister can pass with the matter of selecting convicts who shall be transferred?

Miss Macphail: I would consider this a matter of policy, and I think there should be some very explicit reason why these men are transferred from one province to the other. If Ontario has more criminals than any other province, then we should build a bigger place.

Mr. Lapointe: Has my hon friend received many complaints about convicts being transferred? I understand that Stony Mountain is a very fine penitentiary, and I am not sure that I would not prefer to be there rather than in Kingston.

Mr. Manion: Or here.

Miss Macphail: I happen to have many friends among the convicts, and they have complained very bitterly about being transferred from Kingston to Stony Mountain. They claim that there sentence is made very much harder. Two or three of these men have become very good citizens and I am quite proud of them, but it was not an easy thing for them to be transferred. One young lad complained that he did not see any of his people for over two years; his sentence was made that much harder, and there is no reason why he should have been transferred.

Mr. Lapointe: This week we received a demand from the wife of a convict in Toronto that her husband be sent to Stony Mountain.

Miss Macphail: I suppose she has good sense and wants to get him as far away as possible. I would like to mention the case of a prisoner who was sent from Portsmouth to Stony Mountain some time after 1925; I do not know the exact date, but he was sent to Stony Mountain and his

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first duties were indoor, assisting the schoolmaster and then in the tailor shop. He was then transferred and put at work in the quarry.

This man wrote a letter to his mother and father in which he said:

The warden has no use for me because I complained about my work being dangerous and threatened to notify the superintendent about it.

A short time after the parents received that letter they received news of their son's death. The letter was smuggled out by a prisoner who had served his term, but it is an authentic letter. The fact that he used the words which I have just put on Hanaard, followed by his death, seems to me to be a very odd coincidence. The wife and parents of this man asked the Minister of Justice to make an investigation to see whether or not he was killed because of negligence. I have received a letter from his mother and from his wife and the mother says:

The condition of his body was shameful. He had not been embalmed.

The wife said the same thing and in reference to the warden she also ~~xx~~ said:

I do not believe what he said because he said that the body was embalmed and we know it was not.

I think we should have information as to whether or not this man was put at dangerous work. The fact that he thought the work was dangerous and that he was killed shortly afterwards would need a careful explanation and I would like to hear what the minister has to say about it.

Mr. Lapointe: This was a very unfortunate accident, but no one in the penitentiary was responsible for it. The man had been working in the quarry for only three days.

Miss Macphail: Yes I know that.

Mr. Lapointe: The accident was not caused through any defect in the machinery, and the coroner did not think it necessary to hold an

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investigation. This man, as well as the other convicts, had been warned not to push the stones with his hand ~~and~~ when they were being raised by the derrick, and I have the statements of convicts, as well as of guards, to that effect. We were notified immediately by the warden of the penitentiary as to this accident and upon the request of the relatives in Toronto we instructed the warden to have the body embalmed and sent to Toronto. That was done, and it is certainly not according to the facts to state that the body was not properly embalmed because not only have I the statement of the warden that it was, but we have paid the bill to the undertakers and the embalmers. We have a population in the penitentiaries of Canada of 2,809 and it is remarkable how few accidents happen. I think we can safely say that in no industrial plant anywhere do so few accidents occur as in the penitentiary. As I have informed the hon. member, the authorities of the penitentiary sympathize with the family of the convict, but what took place is one of those things that cannot be avoided.

Miss Macphail: I am not sure that proves anything in the world, because the warden certainly is not going to say that this was carelessness on his part, and I will guarantee that the guards and the prisoners dare not say so. As regards the sworn statement of the prisoner, if the warden is to blame, that statement would not be worth the trouble of writing it or the paper ~~it~~ was written on. These men are absolutely under his command and I am convinced, not from one source, but from many, that they would not dare say it was carelessness on his part. I am personally much more willing to take the word of the mother, the father and the wife—that is three people—of the prisoner that the body was in a most disgraceful condition, than I am to believe those who said that it was embalmed. The government may have paid for the embalming and it may never have been done. From another

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letter which I have under my hand and which was also smuggled out, there is a very significant statement by the man to the effect that if you compared Stony Mountain to Portsmouth, Portsmouth and one lived there like a king. That is the opinion of the whole gang of men who go from Portsmouth to Stony Mountain. But going back to this particular case, has the minister anyone else that he can quote as proving that the body was in good condition, other than the warden of Stony Mountain penitentiary whose statement does not prove anything?

Mr. Lapointe: The undertaker and embalmer did the work and were paid for it. What else can I do?

Mr. Forke: I do not know anything about the particular case referred to, and I have no doubt of the sincerity of the hon. member for Southeast Grey; but I know that no other public servant in Manitoba bears a higher reputation than the warden of Stony Mountain penitentiary. I have heard again and again of the great improvements he has made since he assumed control of that penitentiary and I do not think you will hear a breath of suspicion in Manitoba against that warden.

Mr. Woodsworth: There are two or three statements which are contained in the report of the superintendent of penitentiaries to which I should like to call attention. There is, I believe, a resident population of some 2,500 people, and the cost per capita is \$1.50 per diem. I would simply point out that this involves a very heavy expenditure to the country at large, and that the actual cost of maintaining a criminal is much heavier than the cost of educating a child. It is much more expensive to keep those people in the penitentiary than to keep them from getting into it. I have been reading the record of one particular individual and the statement is made:

It might well be asked how such men as these came to be admitted to Canada.

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I would refer that to the Minister of Immigration. When the superintendent of penitentiaries calls the attention of the country to the fact that we are bringing in very undesirable immigrants, such cases ought to be carefully checked up and made the basis of very stringent regulations. Further on in the report this statement is made. Another man about to be discharged wrote:- "When I came to prison I did not know anything. I was never given a chance, never was at school, could neither read or write. I was not fitted for anything. I am going home with a fair education, am an expert blacksmith and also a good shoemaker. I have been taught both these trades in the penitentiary."

This is undoubtedly very satisfactory from the standpoint of the penitentiary, but I ask: Are we going to go along, year after year, spending \$1.50 a day in training these people in blacksmithing and other trades when we refuse to help in anything like a scheme of technical education? I do not want to go into the question of technical education today except to point out that these matters are very closely related. If we deliberately refuse to train boys in their youth, we shall have to pay the bill later on in connection with the untrained men who go to the penitentiary. It seems to me again that these departments of our public life should be more closely correlated. Another paragraph in the report signed by General Hughes reads: There should be some definite and properly organized endeavour either by the Dominion or provincial governments, or both, to provide for the unfortunate dependents left behind when the wage-earner of a household is sentenced to prison. The leaving of a poor mother, frequently with several small children, without any means of support or chance of obtaining a livelihood would seem a greater crime than very often is committed by the one who had been their provider. For long years the

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Policy of "the innocent must suffer for the sins of the guilty" has ruled. Surely in the enlightened twentieth century this should not longer be regarded as a sufficient reason for leaving innocent mothers and children to starvation or worse.

Several years ago, after having debated this question during I think two distinct sessions, the house passed a resolution to the effect that payment should be made to the prisoners for work done in the penitentiary, and that in the case of married men, this amount should be turned over to their wives and children. The minister has apparently taken no action on that resolution. Again we ask: What about the responsibilities of the government to the house? The question was canvassed backwards and forwards very thoroughly; expert opinion was given as to what had been done and as to the beneficial results in other places. Nevertheless year after year has passed and we have nothing done. I cannot conceive of a much more severe indictment of our present system than that from the superintendent when he says that the crime committed against the prisoner or his dependents is often much more serious than that which the prisoner himself has committed. We cannot very well pass over these things year after year and have nothing done. This very significant statement is the last one made by the superintendent.

The recommendations made in former years are again suggested.

I would like to ask why we appoint a superintendent, expect him to make reports and then fail to act upon them. The superintendent does not even give the recommendations again this year. He apparently feels it is hopeless to do so. They are not even put down in black and white. It would seem as if he was tired of making reports to the government, because the government passes over them. Most hon. members are not tremendously concerned over the penitentiary population. Most

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Of us are trying to avoid this situation; we do not expect to go there. What do we care for a few criminals? The only opportunity we have in the house of discussing these matters is when we have the estimates before us, sometimes just a few hours before parliament prorogues. I would urge that the action of the bar associations and other bodies such as the Social Service Council indicate that at least those who pay attention to this matter are heartily in sympathy with reforms along the line suggested by the superintendent of penitentiaries. It is due to the house that the Minister of Justice should tell us very definitely why he has not carried out the recommendations of the superintendent.

Mr. Lapointe: Good things cannot be done all at once. I have always stated that the first step I had in mind so far as prison reform was concerned was to segregate the young offenders in separate institutions. I was really expecting, although apparently in public life we cannot ever expect anything, to be congratulated this year by my hon friends.

Miss Macphail: I am going to do it I have not spoken yet.

Mr. Lapointe: I am glad to know that, but now I am afraid it may be said that I was fishing. I am receiving communications from organizations interested in penitentiary matters to the effect that the greatest step forward in the penal legislation in Canada has been taken this year through our providing in the estimates for the building of two institutions for young offenders. I think that is the one thing which was primarily needed. It is going to cost a good deal of money, but we are going to have the institutions, and even if I have only that to my credit during my administration of the Department of Justice I shall be proud of it.

As far as the other matter is concerned, we must first of all have

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productive work that will bring in some return before we can divide the profits. We must first have the profits. The work done in the penitentiaries has been increasing year by year. We have installed new machinery, and today instead of the convicts merely breaking stones most of the prisoners in the penitentiaries are working at some productive work. For a large number of years of course, organized labour was opposed to prison labour coming into competition with their own, but now they have reached the stage where, although they do not want the products of prison labour to come into competition with the products of industry in the country they are willing that the departments of the government should buy such articles as they require which can be obtained from the penitentiaries. We have already started doing ~~that~~ that to a certain extent, but I must remind my hon. friends that I am not in control of ^{all} the departments, and there will be some educational process necessary before I can convince all my colleagues that the products of the penitentiaries will meet their requirements as well as the work which is being produced by the ordinary industries of the country. I wish to say that in no country in the world are the prisoners paid anything before the expenses are met. The state certainly has the right to be reimbursed for the very large expenditure which is made to keep the penitentiaries working to maintain the prisoners in the penitentiaries. The only place I know of where anything is paid to the dependents of the convicts is in Minnesota. In some other places the system has been tried and abandoned periodically according to the changing views of the different governments coming into office. I have myself looked into the records of what is being paid in some of the penitentiaries and I find that in most of them nothing is being paid. In others an amount is paid varying from $1\frac{1}{2}$ cents-the rate paid in the big penal institutions in New York State- to 25 and even 50 cents a

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day. But as I stated, the expenses must first be met. When a convict is guilty of some offence against the regulations of the penitentiary a fine is imposed, and it is paid out of the little amount which may be to his. However, even if it is impossible to collect something which might go to the dependents, and I find many difficulties in the way, we might at least provide a little amount for the prisoner when he has finished serving his sentence and is thrown out on the world. As it is today, he goes out with a suit of clothes and five dollars in his pocket and a ticket to the place where he came from when admitted to the penitentiary. I think myself that it would be a great thing if they had some little amount to start with, although I must admit that the opinions of responsible people in places where that has been tried are that in many cases within two days after they have left the penitentiary the amount is spent.

Mr. Woodsworth: What about the wife and children?

Mr. Lapointe: I was speaking of giving something to the convicts when they are released. To do that it would be necessary to change our system and that can be done only gradually. It is all right to urge that we must change the whole penitentiary system of Canada immediately. I agree with the principle. There is a word that has been assailed many times in this house, the word "chart"; this is a chart which I have before me in endeavouring to bring about that reform.

I said last year that I intended to visit all the penitentiaries in the country in the fall, but unfortunately, as my leader was sent to the League of Nations at the request of everybody in Canada I had to stay in Ottawa at the very time when I wanted to make that visit, but I shall certainly visit the penitentiaries this year. I wish to see them all and learn at first hand what the conditions are and what can be done. Though I am willing to do anything I can in order to facilitate what I may call the reform of the convicts, rather than adhering

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to the old idea of punishment and punishment alone, we must not go to the opposite extreme. I would call the attention of my hon. friends however, to the fact that the officers in the penitentiaries have to deal with all sorts of men. In the penitentiaries are some of the worst characters in the country. For instance when complaints are made against the strictness of the discipline it must be borne in mind that the officers in those institutions are very often in jeopardy, and for their protection there must be strict discipline, although the convicts are to be treated kindly. I certainly admire the views of my hon. friend from Southeast Grey, and I am willing to go as far as possible to meet them. I really believe by this new step in segregating young offenders from hardened criminals we have gone a long way in prison reform.

Mr. Woods worth: The minister has not said how is is providing for the wives and families during the incarceration of the breadwinners.

Mr. Lepointe: I am not providing for them, I admit. We must not forget that our federal system is largely responsible for some of the difficulties that confront us. We are in charge of the penitentiaries but the provinces are in charge of the gaols. Men sentenced to more than two years imprisonment come to our penitentiaries. In the United States each state is in control of all prisons. If we could do so we would look after the dependents of the convicts in our penitentiaries but these are in a minority; there are more men imprisoned in the big gaols than in the penitentiaries. But apart from this the administration of justice is in the hands of the provincial authorities and we are taking charge of those who have been committed to the penitentiaries by the provincial courts, but it does not necessarily follow that the federal authorities should be charged with the duty of looking after the families of those convicts.

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Mr. Cahan: There are some who would be very glad to go to the penitentiaries if they were assured that the state would look after their families.

Mr. Lapointe: There is that danger if we make our penitentiaries first class hotels and undertake to look after the families of the convicts. There are limitations in that regard which we should not overstep. Until the work of the convicts is remunerative to the extent of the expenses which the state must incur on their behalf, I certainly will not recommend paying anything to their dependents.

Mr. McLaren: What is the percentage of Canadian born convicts?

Mr. Lapointe: These are the figures: from Canada, 1,589; from England and Wales, 197; from Scotland 69; from Ireland 35; and other British countries 28, making altogether 1,918 British convicts out of a total of 2,500 in our penitentiaries. That was for last year.

Mr. MacLaren: What percentage is British?

Mr. Lapointe: The figures are 1,918 out of 2,500. Since then the population has increased to about 3,000. As far as foreign countries are concerned there are 220 convicts from the United States; 85 from Russia; 75 from Italy; 67 from Austria-Hungary; 53 from China; 22 from Roumania, and 120 from other foreign countries.

Mr. Kellner: Under whose charge is prisoner George Edmund Jackson? It will be remembered that there was a controversy between the Alberta government and the Justice Department with regard to this man.

Mr. Lapointe: I have discussed the matter with the hon. member and he knows the position as well as I do.

Mr. Bennett: It is a matter of public interest.

Mr. Lapointe: Yes.

Mr. Kellner: At the time I spoke to the minister about it he said he was going to take further steps.

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Mr. Lapointe: Yes I wired Premier Brownlee yesterday in answer to his wire.

Mr. Kellner: I understood the minister was going to take some steps with a view to having the Justice Department look after this man.

Mr. Lapointe: No, I told my hon friend that owing to the telegram I had received from the Alberta authorities I was willing to reconsider the matter and that I would wire the Premier to send me the report of the medical experts which he had mentioned in his telegram to me.

Mr. Bennett: Will the minister state briefly the facts of this case?

Mr. Lapointe: Yes. Jackson was sentenced to death for murder. In the course of the trial the question of sanity was raised. Medical evidence was given and the jury found him guilty.

Mr. Bennett: And sane?

Mr. Lapointe: Well, guilty. Of course my hon, friend is entitled to his own conclusion. An appeal was made to the governor in council for clemency. Of course, my hon. friend knows that in discussing those matters I am restricted in the information that I can give to the public. There was a report from the trial judge, Mr. Justice Tweedie and other representations which influenced the decision that was reached, that it was better for the ends of justice that the capital sentence should be commuted to imprisonment for life. Under the law he was now sent from the prison in Alberta to the Prince Albert penitentiary in Saskatchewan, which serves for the two provinces, and some time after he had been admitted to the penitentiary the surgeon of that institution certified that he had had this inmate under close observation since he had been admitted and found him to be insane, and he expressed the opinion that the man was insane when admitted. There is a section of the Penitentiary Act which I think I should read now that this matter is under discussion. Section 53 of that act reads:

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If at any time within three months after the receipt at the penitentiary of any convict sentenced to imprisonment therein it is established to the satisfaction of the minister, either by the written certificate of the surgeon of such penitentiary or otherwise, that the convict is insane or imbecile and was insane or imbecile at the time he was received at the penitentiary, the minister may, after giving reasonable notice of his intention to the attorney general of the province within which such insane or imbecile convict was convicted, by warrant under his hand, direct the removal of such insane or imbecile convict from the penitentiary to the jail or other place of confinement from which such insane or imbecile convict came to the penitentiary.

Another section of the act provides that when in the case of a prisoner who has been sentenced to death, such sentence is commuted to imprisonment for life, he shall be admitted to the penitentiary as though the order in council granting the commutation were a judgment of the court. Upon the receipt of this written certificate of the surgeon that Jackson was insane, we notified the attorney general of Alberta, under the section I have just read, on October 12, 1928, well within the three months provided for by the statute, acquainting him with these facts; and we requested him to advise us as to which of the mental diseases hospitals the man might be taken to. We did not get an answer for some time and then we were told that Jackson having been found sane by the jury at the trial, we should not have acted as we had done under the section of the statute to which I have referred. In view of this attitude on the part of the attorney general of Alberta, I took upon myself to send an impartial medical expert from another province, Dr. MacNeill of the mental hospital of North Battleford. Dr. MacNeill is a well known authority and he forwarded to us his report to the effect that the man was insane and that

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he could not understand how he had ever been sent to gaol. We again notified the authorities in Alberta and, upon their refusal to act, the officers of the penitentiary proceeded upon the warrant which had been issued, taking the man to the prison in Alberta from which he had come. They still claim that the man is sane, and I received the day before yesterday, a wire from Mr. Brownlee, in the absence of the attorney general, stating that they have had the man examined by four medical experts from Alberta, two from Edmonton, I believe, one from Calgary and one from some other place. These men say that the man is sane. Mr. Spencer: I believe that two were from Ponoka, one from Calgary and one from Edmonton.

Mr. Lapointe: That may be. However, I wired Mr. Brownlee that I was quite willing to reconsider the matter, asking him to be good enough to send me the reports of these medical experts. I do not know what decision will be reached, whether we shall send some other outsiders or simply accept the reports; it will depend on the nature of those reports. I may assure my hon. friend however, that I wish to have no conflict with the province of Alberta in this matter. On the other hand, we must not create a precedent, charging the federal government with responsibility for men who are declared to be insane when they are to be sent to the penitentiary. Under these circumstances, I shall act in the best way possible.

Mr. Jacobs: Doesn't this go to show that what we consider insanity in other parts of Canada is looked upon as sanity in Alberta-with all due respect to the leader of the opposition (Mr. Bennett.)

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Mr. Bennett: I do not know that the hon. gentleman has thrown any illumination on this very disagreeable subject by the observation he has just made. The fact is that Jackson was left on the doorstep by the officer of the federal government, so far as I can ascertain from the public press and the provincial authorities regarding the man as sane did not desire to lock him up. That is the position as indicated in the press of the country, and I say to the minister that it is rather a reflection on the administration of justice on the part of the federal authorities charged with responsibility for maintaining institutions for the custody of those whom the courts of law have sentenced. This man was sentenced to death; that sentence was commuted I believe, to imprisonment for life, and he was taken to the Prince Albert penitentiary. And notwithstanding the fact that the experts had not been able to satisfy the jury on the plea of insanity and that he was found guilty of murder, he was taken from that institution-my information is solely from the public press and it may be inaccurate-by an officer of the federal government, to Edmonton or Fort Saskatchewan where he was left on the doorstep. He seems to be reasonably sane and there is no place to take him. Surely that is not proper administration of justice. I do not think the minister believes so.

Mr. Lapointe: You think it would be proper administration to lock the door so that he could not get in?

Mr. Bennett: There is where the conflict arose. The minister asks a very pertinent question-was it proper administration of justice on the part of the provincial authorities to lock the door? But they said quite frankly: "We cannot take an insane man to gaol," and therefore they locked the door; that is the only locking of doors I have heard of.

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Mr. Lapointe: I am advised by my officers that the man in whose charge he was sent waited for twenty-four hours before leaving him at the door of the gaol.

Mr. Bennett: Exactly, and just left him free.

Mr. Lapointe: I will just read that part of the statute again:

-the minister may after giving reasonable notice of his intention to the attorney general of the province within ^{which} such insane or imbecile convict was convicted, by warrant under his hand, direct the removal of such insane or imbecile from the penitentiary to the gaol or other place of confinement from which such insane or imbecile convict came to the penitentiary.

That is what they did. I frankly admit that I knew all the facts only after this occurrence had taken place, but under the law as it is they were justified in leaving the man at the place from which he came. The officials of the gaol knew he was there but refused to let him in.

Mr. Bennett: Yes, but I am sure the minister realizes the gravity of the situation. This man was convicted of murder, yet he was left on the doorstep under the warrant of the Minister of Justice.

Mr. Jacobs: What does the hon. gentleman mean when he says he was left on the doorstep?

Mr. Bennett: Under a warrant from the Minister of Justice he was taken by an officer of the federal government to the gaol of Fort Saskatchewan, and when they would not take him in the officer left him on the doorstep and went away.

Mr. Jacobs: And the man insisted on remaining on the doorstep?

Mr. Bennett: We prefer to treat this is a serious matter, but in any event he did not remain there very long. The contention is that a murderer who is now alleged to be insane, should not be in gaol,

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although the statute directs the minister, if he so desires, to send one of his officers with him by a warrant under his hand, to the gaol from which he came and Fort Saskatchewan was the gaol in which he had been imprisoned. He was taken to the gaol and the keeper of the gaol said "This is not an insane man at all and I am not going to take him in."

Mr. Lapointe: He had no right to say that.

Mr. Bennett: That is the story. Thereupon after waiting for a while the officer left this convicted murderer upon the premises and went away. Where is Jackson now?

Mr. Lapointe: I understand he is in custody somewhere.

Mr. Bennett: Quite so, and he is either sane or insane; if he is sane he should not be anywhere but in a penitentiary and if he is insane he should be in a mental hospital. In the meantime this terrible thing has happened, and I believe it is a sad commentary upon the administration of justice in this country. The minister has properly said that if he had known the facts then as well as he did later he would not have taken this action, but as it was the federal officer travelled from Saskatchewan to Alberta and left this man at the gaol because the keeper of the gaol said he had no authority to take in a sane man who was convicted of murder.

Mr. Lapointe: He had no right to say that.

Mr. Bennett: But that was what he did say, because the difference is as to the sanity or insanity of the man; one group says he is insane and the other says he is sane. If he is sane he should be in the penitentiary and it was only through the exercise of clemency by the minister that he was not hanged, because he was sentenced to death. Now, because someone says he is insane, he is taken to Alberta and they say they will not take him because he is not insane.

Mr. Lapointe: But the law gives the discretion to the Minister of Justice and it does not matter whether they think he is sane or insane.

Mr. Bennett: And the Minister of Justice decided that the man was insane, otherwise the warrant would not have been issued.

Mr. Lapointe: The Minister of Justice has acted as the law says he should act, on the certificate of the physician.

Mr. Bennett: ~~The~~ law says that if the prisoner is insane or an imbecile the minister may do so and so and the minister has a certificate from one to the effect that the man is insane. On the other hand the authorities who were conscious of the whole situation when the man was tried, say that is incorrect and the man is not insane. I do suggest in the interests of the administration of justice that there should be a disinterested person brought in to consider the question before we render the administration subject to unfair criticism and attack. The minister acted strictly in conformity with the terms of the statute, but I suggest that it would have been better to have had an independent opinion.

Mr. Lapointe: I had the opinion of Doctor MacNeill of North Battleford.

Mr. Bennett: I heard the minister make that statement before, but I mean some opinion upon which the authorities of the province and the federal authorities would agree, so that there would be no question as to the determination of sanity because it is not a pleasant thing to think we are faced with that situation.

Mr. Lapointe: I hope this will be settled satisfactorily to all concerned.

Mr. Jacobs: Have we not in Canada some institution in which the criminally insane can be placed? I understood that provision was made at Portsmouth penitentiary at Kingston for the criminally insane from different parts of the country?

Mr. Lapointe: I believe that was closed in 1915.

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Mr. Jacobs: Is there no place where those criminally insane can be treated?

Mr. Lapointe: When they are found insane later than three months after they have been admitted to the penitentiary they remain under our charge if we have the accommodation we keep them in a separate ward, but when there is no such accommodation we arrange with the provinces where they have hospitals which are suitable for that purpose, to look after them and we pay the provinces for keeping them in these asylums as long as they have not finished their sentences. When the sentences are served of course we deliver them back to the provinces from which they came and then they are under the care of the provinces.

Mr. Jacobs: Then I understand that if this man had been in the penitentiary longer than three months he would have been kept in the Prince Albert penitentiary?

Mr. Lapointe: Yes, and probably we would have arranged with the province to look after him, but we would have had to pay the province.

Mr. Kellner: I did not mention this matter with the idea of carrying on a discussion in favour of the provincial government, but I think some consideration should be given the people of Alberta in a case of this kind. The minister's statement of the case is not at all in line with my information; I am told that this man was never returned to the gaol at all and was never accepted by the gaoler but as a matter of fact was turned loose on the streets of Fort Saskatchewan. I would like to review the case briefly. The woman who was murdered was named Nellie Pendleton; she had worked for the provincial government of Alberta for quite a number of years and later married this man Pendleton and went out on a farm north of Waskatenau, in Alberta. They had friends by the name of Jackson and the father of the prisoner went to Pendleton and asked if he would take his boy on the

The first of these is the fact that the weather was very dry and hot during the summer months. This was due to the fact that the wind was blowing from the south and the sun was shining brightly. The second is the fact that the ground was very dry and the crops were withering. This was due to the fact that the rain was not falling and the sun was shining brightly. The third is the fact that the people were very poor and hungry. This was due to the fact that the crops were withering and the people had no money to buy food. The fourth is the fact that the people were very sick and dying. This was due to the fact that the weather was very hot and the people were not getting enough to eat. The fifth is the fact that the people were very angry and rebellious. This was due to the fact that the people were poor and hungry and they were not getting any help from the government. The sixth is the fact that the people were very sad and depressed. This was due to the fact that the people were poor and hungry and they were not getting any help from the government. The seventh is the fact that the people were very tired and exhausted. This was due to the fact that the people were poor and hungry and they were not getting any help from the government. The eighth is the fact that the people were very weak and frail. This was due to the fact that the people were poor and hungry and they were not getting any help from the government. The ninth is the fact that the people were very old and infirm. This was due to the fact that the people were poor and hungry and they were not getting any help from the government. The tenth is the fact that the people were very young and healthy. This was due to the fact that the people were poor and hungry and they were not getting any help from the government.

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farm. This was done and the boy worked there for several months. One day Pendleton left him on the farm to do the chores and went back to his work of cutting the brush. The boy took an axe and killed this woman, stole all the money in the house and took the horse and rode it to Waskatensau, where he hired a car and drove to Edmonton. I do not believe those were the actions of an insane man. The following day Jackson was arrested as he left a moving picture theatre after being tried he was sentenced to hang on June 6 of last year, and later the sentence was commuted to life imprisonment in the penitentiary at Prince Albert. The minister said a moment ago that an order in council had the same authority as an order of the court, but the order in council said that this man was to be kept at Prince Albert penitentiary; there was nothing said about his being transferred to Alberta.

Mr. Lapointe: It is the same as an order of the court.

Mr. Kellner: Before his trial for murder this man was sent to an asylum in Alberta where four doctors examined him and stated that he was sane. He was tried and duly convicted, and later on a doctor at the penitentiary in Saskatchewan stated that he was insane, and the minister turns and ships him back to Alberta. The minister has the authority of four doctors who say that he was sane, and the authority of one doctor who said that he was insane.

In this connection I would like to make a few remarks in regard to this expert witness nuisance. This matter is getting to be rather serious and I am sure that anyone reading the papers cannot help but see that when a man is accused of a really serious crime, almost invariably he is defended on the ground of insanity. The prosecution seems to be able to go out and get a number of witnesses who will swear that the man is sane, and the defence can get an equal number of

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equally expert witnesses who will swear that he is insane. I think it is time that some notice was taken of this situation, as it looks to me as though each side are able to find witnesses who will say what they want them to say.

Mr. Bennett: That is so and always has been the case.

Mr. Kellner. The minister is setting the statements of four doctors against the statement of one. I understand that a controversy developed a little later on between the department and the province of Alberta as to who should take care of this prisoner. The warden refused and said he had no instructions to do so and the guard took the prisoner into Edmonton. The guard returned later on and told the warden at the jail that he had the prisoner and that he was to take him. The warden tried to find out with whom the guard had been in consultation while he was in Edmonton, but the guard refused to give him that information. The warden went out to the telephone booth to call up the provincial authorities, I presume to get their instructions as to what action he should take, and when he returned he met the guard and noticed that the prisoner was not present. He asked the guard where the prisoner was and was told that he had been left on the doorstep. The warden looked down the street and he saw the prisoner walking along by the memorial hall. I am sure that the Minister of Interior (Mr. Stewart) will know just what distance the memorial hall is from the gaol. The prisoner was wearing a blue suit of clothes and could not be distinguished from any other young man on the street.

Mr. Lapointe: If my hon. friend has a report about the facts I would like him to send it to me. Is my hon. friend merely reciting something which he has been told?

Mr. Kellner: That information has been supplied to me and I am sure the minister will accept it as a report.

Mr. Lapointe: Oh no not when I have a report from the officers as to what happened.

Mr. Kellner: The report from the officers does not agree with my information?

Mr. Lapointe: No, it does not.

Mr. Kellner: The information I have is that the prisoner was later arrested put in the lock-up in Fort Saskatchewan, and as far as I know he is there yet. There should be no trouble in verifying that information and the minister could find out whether he was delivered and accepted by the warden at the gaol, or whether he was turned loose on the street. When a controversy of this kind develops between the Dominion and the provincial governments the people of this country have a right to assume that it will be conducted in a high, honest and firm manner. If my information, which the minister questions, is correct, this action of taking a prisoner over to Saskatchewan and dumping him on the doorstep was that of a bully and not the action of someone who was trying to act fairly in a matter of this kind. If the information which I have received is not correct I will be very glad to retract these statements, but I have every confidence that it is correct.

Mr. Lapointe: I would not like to review again the case, but I am not sure whether or not my hon. friend is suggesting that the sentence of the man should have been commuted. In matters of this kind, I unfortunately have to play a very large part. The question of capital punishment has been discussed in the house and if I am not mistaken even my hon friend was opposed to that. I believe in it, but I believe that every safeguard and precaution should be taken and when we had a report from the trial judge and from the medical men who gave evidence at the trial stating that the man was subnormal, I must admit that not only did I hesitate, but I would rather have ^{resigned} my position than

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send that man to the gallows.

Mr. Luchkovich: Whether this man was insane or sane, the fact is that he was left on the doorstep of the gaol in Fort Saskatchewan. Not long ago we had a murderer in Western Canada known as the strangler. Suppose this man had been a murderer of that type and had been left on the doorstep of this gaol and in the interval had committed half a dozen murders, what a terrible thing it would have been. Fort Saskatchewan happens to be in my constituency and I want to register my protest against the authorities whether they be provincial or federal, causing so much consternation in the minds of my constituents.

Miss Macphail: Mr. Chairman, before I make a few remarks in regard to some reforms which I would like to see carried out in the penitentiaries I would like to go back for a moment to the case we have spoken of of the man who was killed last August at Stony Mountain. I would like the minister to do something further in ascertaining the facts of that man's death. If the minister desires to disregard the evidence of the wife and the prents, he can ascertain from the undertaker in Toronto the true condition of the body when it arrived. I think there should be an investigation into the cause of this man's death. Personally I would not accept the warden's story unless I could be very sure it was not prejudiced. I do not like to say this about any warden but this is not the first thing I have heard about the warden of Stony Mountain penitentiary and the matter should be investigated. If the minister intends to visit all the penitentiaries this year-and I hope he may be back again with us when the house meets again-he may look into the matter and he may find out more about it than he knows at the moment.

Mr. Lapointe: I suppose my hon. friend does not suggest that I am favouring that warden on account of political partisanship?

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Miss Macphail: As a matter of fact I feel that the warden got his position because he was a brother of a certain eminent man in Canada.

I do not think there is much doubt about that. He was certainly not trained for this particular work. I supposed that is why he got the position, but that does not mean he would not be a good warden.

Mr. Bennett: I think he had training in Dorchester penitentiary before he went to Stony Mountain.

Miss Macphail: We have not a warden at all who is trained; we have no trained officials in any penitentiary in Canada, except those trained by experience. The officials are not particularly fitted for the work and I do not think they are very carefully chosen, because if one requires into their history, one has reason to think it was not their qualifications that caused them to be appointed to their particular positions. I should like the minister if he has not done so already to read Crimes against Criminals by Robert Ingersoll. It is one of the finest of the small books that I have read on this subject.

Mr. Lapointe: Does my hon friend agree with everything that Robert Ingersoll wrote?

Miss Macphail: I agree with a good deal of his common sense.

Mr. Lapointe: What about the other sense?

Mr. Jacobs, The Minister of Justice could not read it. It is on the expurgated list.

Mr. Lapointe: I hope the hon.member will not ask me to make my confession about it.

Miss Macphail: I admire Robert Ingersoll's courage. He said what he thought and that is more than many people do. As an hon.member reminds me he shows his sympathy with humanity very clearly in his Crimes against Criminals. It is far ahead of our time and it must have been even further ahead of his.

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There are only two things to think of regarding prisoners. One is the protection of society and the other is the reclaiming of the prisoner. The idea of vengeance is being eliminated in practice, but still the old act we have is based on it. I should like to see a pretty thorough reform of our penitentiaries. To begin with I congratulate the Minister of Justice on carrying out the third recommendation of W.S. Hughes, the superintendent, in having the young offenders segregated. The recommendations are nine in number and before I finish I hope to put them on Hansard. While the chart spoken of by the Minister of Justice of giving the prisoners work and the possibility of paying for that work after they have looked after their own keep, is splendid and apparently the Minister of Justice has looked at it at some time because he knows it exists. It reminds me a good deal of the chart of the Liberal party, that wonderful chart of Liberalism, to which the Prime Minister so often refers, I am sure it is treasured somewhere, but it is hidden so carefully I am afraid it is not often looked at and very seldom toward. I am afraid the Minister of Justice has not done much; in fact, I cannot see that he has done anything and I would like to see that he has more work for the prisoners in the penitentiaries and is progressing towards the time when they will be paid for that work. It came up in the house the other day that the uniforms for our permanent force in Canada were made by special manufacturing establishments of their own. At the time I said and now I repeat that I can see no reason why the industries within the penitentiaries should not make these uniforms. I have seen suits of street clothes made by the tailor shops in the penitentiaries and they were beautiful suits. That is a matter which the minister might well look into. If all the uniforms of the permanent force were made in the penitentiaries this would add very much to the work they

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are already doing. They make mail bags and while I know that we discussed the matter, I am not sure whether they make the brooms that are used in the government service. The minister will know whether they do or not. They make a good many articles, but I see no reason why they should not make as much as they have time to. Certainly the cost of their own maintenance should first be met, but if the time ever comes when they produce more, the result of that should go to their dependents. The house passed a resolution to this effect some years ago and we should take steps to carry it out. Just thinking about it will not get us very far.

One thing more I want to suggest is that the government of such an institution is very much like an absolute monarchy. In other words, the warden is practically in control of the whole situation. There could be a more democratic form of government than that worked out. Mr. Lapointe: What does my hon. friend suggest?

Mr. Jacobs: That the prisoners should elect a warden every year amongst themselves.

Miss Macphail: I would suggest that the other officials should have a part of the responsibility with the warden. There should be a board of governors composed of the warden, some of the guards and the very best behaved prisoners, the prisoners being chosen from amongst themselves. I think if the inmates were treated as an isolated community and all the rules that work well in the community of the world were used there this would produce better results than we have, because I know by my own nature when anyone sets out to make me do things, it is a great deal harder than if they worked with me, to get the thing done and I think everybody else is the same.

Mr. Lapointe: No the hon. member is good and those others are not.

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Miss Macphail: I do not even think that; I have a better judgment than that. I think there could be a more democratic system of government. The minister still thinks I am wrong but the matter should at least be thoroughly investigated. Along with that, some special training should be given to the wardens of the penitentiaries. They should be men to understand psychology, who know something about human nature. They should be men who are missionaries in the finest sense of the word, and whose great task is to reclaim these men and send them back to society in harmony with their fellow men. They should be students of the whole subject. We have not that type of men in the penitentiaries of Canada because we have not thought until now it was necessary to have them, but if we are going to inaugurate new policies we shall certainly have to do so through the same men with new ideas or through other men with new ideas.

As regards education, I should like the Minister of Justice to tell me whether it is true that only forty minutes a day during the dinner hour are allowed to the men who are attempting to study. Is that correct?

Mr. Lapointe: No.

Miss Macphail: How much time are they given?

Mr. Lapointe: From six to nine o'clock at night apart from the forty minutes.

Miss Macphail: Is that in their own cells or in the schoolrooms?

Mr. Lapointe: In the cells.

Miss Macphail: I am afraid that is not the same thing. Shut in a cell with a book themselves is certainly not the same thing as meeting as free men in a room with good school teachers. The former is not what I would call education. Reading in their cells I would not call education. You may get education out of it, but it is not education by the prison authorities.

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Mr. Lapointe: There were 55,000 examination sheets distributed to these men to work on at night.

Miss Macphail: That is a bit better.

Mr. Jacobs: May I remind the hon. member for Southeast Grey that Pilgrim's Progress was written in a cell and it is pretty good literature yet.

Miss Macphail: That is true, but sometimes we think that the pilgrim has not made much progress on that account. I would ask the minister if there is a waiting list or can all prisoners become students in these institutions.

Mr. Lapointe: Every one of them.

Miss Macphail: I am very glad to hear that. I do think that every facility should be offered by the institution for these men to better their education. I suppose that examinations are necessary, but I sometimes wonder whether we are not examination mad. But at least it is an advance over a few years ago.

One other thing. I think there should be an adjustment board to look after the man or woman when he is ready for release from the penitentiary. It should be composed, I think of an official of the government of the institution, and outside civilians. The Red Cross has been built up by people who were not paid for doing it but who loved humanity sufficiently to give, to give their time in its service. I think the same idea could be carried out with an adjustment board for each penitentiary. I have been very interested in half a dozen cases. Suppose a person has been in the penitentiary for five years and then comes out; there is no one to help him adjust him to life again. They have this little bit of money \$5. and a suit of clothes, which I do not suppose is a very good suit, although it may be, and a railway ticket to take them back where they came from. If any of us

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had been confined to this house for five years with no opportunity of getting out, and were turned out at the end of that time under such conditions we might find a great deal of difficulty in adjusting ourselves. I think the superintendent would beat me out, if he could speak on the floor of the house, that it frequently happens that shortly after his release and before he gets to work again, re-establishes himself and is absorbed again as a human being into the human family, when everybody's hand is against him, the former prisoner becomes a repeater. That conditions in the world are not too good was proved by the words of the Minister of Justice today. It was a sad indictment of civilization to say that if the penitentiaries were made too comfortable and if the prisoners' dependents were looked after by the government, people would deliberately get into the penitentiaries. I cannot believe that people would deliberately give up their freedom for a period of years unless conditions were very bad outside.

I want to put on Hansard the recommendation of the superintendent of penitentiaries, W.S. Hughes, one of which is being carried out this year by the Minister of Justice. The recommendations are as follows:

1. The providing of institutions for the segregation and classification of all inmates is again strongly recommended.
2. The reopening of the criminal mental disease hospital.
3. The need for that is shown by the Jackson case.
3. The segregation of habitual criminals.
4. The furnishing of more work for the inmates by the government.
5. Payment of wages to well-behaved inmates for work well performed.
6. The securing of situations for inmates prior to discharge.

That is what I mean by an adjustment board. It is simply putting it in another way.

7. The training of officers before being permitted to take charge of inmates.

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8. The empowering of those in charge of penitentiary administration with authority to administer and discipline on similar basis to that of the Royal Canadian Mounted Police.

I am not sure that I agree with the latter recommendation.

9. Change in the method of purchasing supplies. This essential in order to attain success in the manufacture of goods in the penitentiaries.

There is not any use at all in the superintendent of penitentiaries recommending to us again and again what he got out of his experience has learned unless we are willing to take his expert advice and try a little more rapidly than we have been doing to carry out his recommendations. I am glad that we are taking this one step, but one step in ten years is a slow walk, and I hope that we shall speed up a bit.

Mr. Adshead: I should like to supplement the remarks made by the hon member for Southeast Grey. I was at one time organizer of the city relief department of the city of Calgary. Nothing was more distressing than to have released convicts come to me, and I had several of them. I said to them, "Why do you come to me for work or assistance", This was the answer I got: "Whenever I go for work, just as soon as they find that I have been a convict, I am discharged". In other words, not only do we need an adjustment board to help the convict reestablish himself as a useful citizen, but even so-called Christian society absolutely refuses to give these men a second chance. I have had convicts apply to me to do even pick and shovel work for the city of Calgary although they were fitted for a much better class of work, just because of a slip they had made in life- and who has not made a slip? Possibly some of us might have been in gaol if the law had taken its course.

Miss Macphail: If we were not politicians.

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Mr. Adshead: I have sometimes had to send these men out of the city to places where they were not known in order to get work for them. Society itself is in need of a readjustment of its ideas with respect to these men. I do not know exactly what to suggest, but I do say that we are not giving these men a chance when they are able and willing to work and would make good citizens, so long as Christian society refuses to give them a second chance.

Mr.. Ross: (Kingston) Does the minister know why certain boots made lately in the penitentiary for the police force were rejected and sold on the market?

Mr. Lapointe: Some defects made the boots unacceptable by the officers of the police force. Only a few of them were rejected, not many.

Mr. Ross: (Kingston): For some years I have been bringing to the attention of the minister, without much success, a matter in which I am interested. About three years ago the officials of the penitentiaries were brought under the Civil Service Act. They were allowed to become members of the civil service by paying a certain amount into the superannuation fund on account of their past service. That became a very heavy burden upon a few of them, some seven or eight, who had been working in the penitentiary for twenty-two or twenty-five years. The department and the superintendent and others may say to these men "You have had your choice. In the first place you were not guaranteed the gratuity which has been allowed in the past for twenty-five or twenty-six years good service. It was granted conditionally. You were not entitled to it". Secondly they may say, "You were granted the privilege of paying in the amount due on account of your past service." That is the attitude taken by the department, but I think those men who have served for twenty-three, twenty-four or twenty-five

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years should be treated a little differently; that some part of the gratuity should be allowed them to reimburse what they have had to pay in. There are not many affected, and I think the government could well afford to treat those who have served that length of time by recognizing the principle that the gratuity has to a certain extent been earned. Say to these men: "We will accept you in the civil service and allow you ~~ka~~ a certain part of the gratuity." Now I am going to bring this matter up until something is done, for I believe these men have a good case.

Mr. Lapointe: My friend knows that after all I have done something. Prior to 1924 not only those three but others were entitled to what he is claiming for these men. Something similar happened a couple of years ago when I introduced a pension law for the mounted police officers. Unfortunately the line has to be drawn somewhere, and these men are not within the law as it is. I know my hon. friend has been very insistent and is doing his best for them but I must admit that I have not found it possible to meet his wishes. It would require legislation.

Mr. Ross (Kingston): Well I think that is what we are here for.

Mr. Lapointe: Yes.

Mr. Ross (Kingston): We are called legislators, whether we are or not, When a legitimate case is brought forward it should be dealt with. You have a precedent in the case of one man who was given a gratuity of \$2,500 or \$2,600 and then went back into the service.

Miss Macphail: I want to know something about shackling to the bar. Where convicts are so dealt with are their arms above their heads by their side, or where?

Mr. Lapointe: "Shackled to the bar" means that the convict is placed in his cell and his arms tied to the gate of the cell at the waist

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line. It happens that some of the convicts refuse to work, and if they are found physically fit they are forced to stand up in their cell instead of being given a chance to sleep while others are working. As soon as they express their willingness to work they are unshackled. It is only during working hours that they are so treated. I do not think there is anything very cruel about the treatment, it is merely a way of dealing with the convicts when they refuse to work.

Miss Macphail: If they change their mind and want to work are they allowed to do so?

Mr. Lapointe: Of yes we are pleased to send them to work.

Miss Macphail: That might be a good thing to apply to people outside the penitentiaries.

Mr. Lapointe: Yes even to members of parliament.

Miss Macphail: What is meant by "paddling".?

Mr. Lapointe: Spanking with a small leather strap. It is not at all a nine-tails-cat.

An hon Member: A cat-o-nine-tails.

Mr. Lapointe I put it the other way round.

Mr. Manion: You put the tails on the wrong end.

Mr. Lapointe: My hon friend knows what I mean. It is a small leather strap about eighteen inches long. It is applied to convicts under very extraordinary circumstances when they have been rebellious or guilty of beastly action, and it is done on the warden's orders. There is nothing cruel about it; it is rather the humiliation that hurts.

Mr. Jacobs: My hon. friend as a former school teacher might not to require an explanation of what spanking means.

The University of Chicago is a private research university in Chicago, Illinois. It was founded in 1837 as the first American university to be organized on the basis of the European research university model. The university is known for its commitment to academic excellence and its role in the development of modern higher education in the United States. It has a long history of producing world-class scholars and leaders in various fields of study.

The university's commitment to academic excellence is reflected in its rigorous standards for admission and its commitment to providing a high-quality education for all students. The university has a long history of producing world-class scholars and leaders in various fields of study. The university's commitment to academic excellence is reflected in its rigorous standards for admission and its commitment to providing a high-quality education for all students.

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June 12, 1929, Cont'd.

Miss Macphail: I never found it did very much good. I found other ways worked very much better. I think it is degrading both to the prisoner and to the official who spansks him. It must put the guard in an awkward position with regard to the prisoner, and I should think it would make the prisoner rebellious. It does not look very good to me.

Mr. Lapointe: I agree it is not a pleasant thing for either. I do not like it myself,-

Mr. Chaplin: When did they do it to you?

Mr. Lapointe: - but the wardens are very often placed in a very difficult situation, and really I think we ought to give them discretion in these matters.

Mr. Chaplin: Why not blindfold them both.

Mr. Lapointe: Apart from that, may I say to my hon. friend that conditions in our penitentiaries are not so bad as they are sometimes painted. Many reforms have been put into effect, and statistics show that only eight per cent of first offenders ever come back to the penitentiaries. Ladies and gentlemen from other countries, especially from the United States, have visited our penitentiaries, and I think we have reason to be proud of what they have stated as a result of their inspection. There are not many penitentiaries better managed than our own. Of course a good deal more can be done, and I assure my hon. friend that all her remarks are taken in very good spirit, and I will try even quicker than she seems to expect, to meet at least some of her wishes-not all. I am free to admit that I do not agree with some of her recommendations because I do not believe it would be in the interests of the administration of justice to adopt them.

HOUSE OF COMMONS DEBATES

VOL. 111.

June 12, 1929.

Penitentiaries—to provide for the purchase of preferred class penitentiary site and to begin erection of buildings \$150,000.

Mr. Ross (Kingston): Last session I proposed to the minister that in addition to getting this building and segregating these cases there should be also some examination of the boys to ascertain what started them on their criminal career. As I pointed out last year, there are some eight thousand juvenile delinquents in the Dominion of whom forty-six have now reached the penitentiary, some at the age of fifteen, others seventeen and eighteen. In my opinion there should be an investigation into the causes leading to this state of affairs; such an investigation could very well be made in the penitentiaries. The causes that have led to these forty-six boys finding themselves in the penitentiary would probably explain the delinquency of others. I hope that the minister will look into the matter. Now that this building is to be put up some steps should be taken in the direction I suggest. Last year I also pointed out the fallacy which prevails that these juvenile delinquents are for the most part foreigners; the fact is that they are Canadian born. I pointed out that delinquency had increased from 64 to 66 per cent, these delinquents having occurred amongst boys who had not reached the higher stage of education. Surely something can be done in the way of investigating into the causes that have led to their condition.

Mr. Chaplin: Under this vote providing for the purchase of a penitentiary site, the minister might give us some information as to location and cost.

Mr. Lappinte: No decision has been reached, but the site will be in the vicinity of the present Kingston penitentiary.

THE UNIVERSITY OF CHICAGO
CHICAGO, ILL. 60637

1911

THE UNIVERSITY OF CHICAGO
CHICAGO, ILL. 60637
1911

June 12, 1929 Cont'd.

Mr. Chaplin: It seems a lot of money to pay for a site alone- \$150,000.

Mr. Lapointe: And also to begin the erection of the building.

Mr. Chaplin: This is only to begin the erection of the building, it does not provide for anything farther. How much will it cost?

Mr. Lapointe: I do not know what the site will cost. I must have the authority of parliament and I shall need the money. My hon. friend seems to think it is a lot of money; that is what my colleagues tell me every time I try to give effect to the will of parliament. I am glad my hon. friend from Southeast Grey is present; she will realize that it is not so easy to get what we want.

Mr. Chaplin: What is the estimated expenditure on the building?

Mr. Lapointe: We expect the site to cost about \$60,000 or \$75,000, and the balance is to begin the erection of the building. To complete construction we shall have to ask parliament for a further sum, it might cost \$200,000. or \$300,000.

Mr. Chaplin: Surely the minister does not mean to tell us that he is starting out to buy a site on which to put up a building without knowing how far he is going or where the whole thing will end. There must be some plans for the building; he must know pretty well what it will cost. The minister should take the committee into his confidence and let us know as far as he can exactly what he has determined on as to the cost of the building and the cost of the site. He knows very well; he is not starting in the dark with this undertaking. His officers have given him this information and he should have it.

Mr. Lapointe: The hon. member will understand that this is not an ordinary public building for which a vote of parliament is asked, it is a building which will be erected by the inmates of the penitentiary.

June 12, 1929 Cont'd.

It is difficult to say exactly how much it will cost, for that very ~~reason~~ reason that the work will not be carried on under ordinary circumstances. It will depend on how much work we shall be able to put on the building the first year, and so on. I really cannot tell how much it will cost, but I want the building.

Item agreed to.

Penitentiaries- to provide for the purchase of Lussier estate and other properties at St. Vincent de Paul \$450,000.

Mr. Chaplin: How much land is there in this estate?

Mr. Lapointe: There are 327 acres, and apart from the Lussier estate there are properties just in front of the penitentiary and which have been asked for by the officers of the penitentiaries branch for years. They are absolutely needed. I cannot say exactly what amount will be involved because if necessary we shall have to expropriate and pay a reasonable price.

Mr. Chaplin: Has any agreement been reached with respect to this 327 acres? Is there a price, or does the minister intend to expropriate, leaving the price to be determined by the court?

Mr. Lapointe: We cannot do anything before the money is voted by parliament.

Some hon. MEMBERS: Carried.

Mr. Chaplin: It is not carried. The minister knows whether he will expropriate the property or not.

Mr. Lapointe: I do not know how much I shall have to pay; it will depend upon the judgment of the court.

Mr. Chaplin: That is what I asked. Does the minister intend to put the matter before the court? Does he intend to expropriate and allow the court to decide what the property is worth? Is that the proposition?

June 12, 1929 Cont'd.

Mr. Lapointe: Probably, if it is impossible to come to a reasonable agreement. I shall have the superintendent and the officers of the penitentiary investigate and if the reports were to the effect that we could secure better prices otherwise than by expropriation, I am not sure that we should not act upon such advice.

Mr. Chaplin: Has any offer been made for the property?

Mr. Lapointe: Yes.

Mr. Chaplin: A price has been named?

Mr. Lapointe: As regards the Lussier Estate, I understand that an offer was made years ago, the matter has been long pending.

Mr. Chaplin: I have a reason for asking these questions. Only yesterday or the day before we saw something similar in connection with the Department of Agriculture, and I have been wondering whether the same thing will be repeated here.

Mr. Lapointe: When Inspector Fatt was acting warden at St. Vincent de Paul the property was offered for \$100,000 but no action was taken.
Item agreed to.

1891

The first of the year was a very successful one for the
 school. The pupils were very attentive and the
 teachers were very kind and patient. The
 school was very well managed and the
 pupils were very happy.

The second of the year was also a very successful one.

The third of the year was also a very successful one.

The fourth of the year was also a very successful one.

The fifth of the year was also a very successful one.

The sixth of the year was also a very successful one.

The seventh of the year was also a very successful one.

The eighth of the year was also a very successful one.

The ninth of the year was also a very successful one.

FEBRUARUARY 26, 1930.

PENITENTIARY ACT AMENDMENT.

Mr. T. L. Church (Toronto Northwest) moved for leave to introduce Bill No. 8, to amend the Penitentiary Act.

Some hon. Members: Explain.

Mr. Church: This bill is to empower the grand jury to visit these institutions and make a presentment, without expense to the country. At the present time grand juries are not permitted to do this, and inasmuch as these institutions are managed by the crown it is believed that in the public interest the grand jury should be allowed to inspect all such institutions under the control of the department of the Secretary of State.

Motion agreed to and bill read the first time.

MARCH 4, 1930.

PENITENTIARY ACT AMENDMENT.

Mr. T. L. Church (Toronto Northwest) moved the second reading of Bill No. 8, to amend the Penitentiary Act.

Mr. Lapointe: Will the hon. member explain?

Mr. Church: Mr. Speaker, I have no criticism to offer of the officials connected with these institutions, as they are doing a splendid work. This bill has been for many years suggested by one of the ablest judges in Ontario, the Chief Justice of the Common Pleas. Grand juries have investigated provincial institutions in Ontario. In Hamilton, two sane men for several years were in the asylum and in one case in York county girls were found without food and shelter, in a dungeon below ground, this being a punishment for some minor offence. The chief justice in addressing the grand jury said:

I am in accord with your views as to inspection of these penitentiaries. Such inspection is in accord with that great principle in the administration of justice which for centuries has been applied and was confirmed by Magna Charta, namely, that the people shall have a large share in the administration of justice in criminal cases.

Whether penitentiaries are well or ill managed they are managed altogether by crown officers; and the management of them is a thing of much importance in the administration of the criminal laws so much that assuredly the people should be entitled to some means of learning for themselves what the crown officials are doing and how it is being done.

The grand jury, representing the people of the judicial district, can most conveniently, and at no cost, perform for the people the duty of visitation.

But one matter of detail I mention, because it seems to me that it should receive consideration.

In some counties there may be five grand juries in a year. Let me suggest that their power be limited thus: say twice a year.

The object of this bill is to put into effect the law of England in similar penal institutions under the Secretary of State

March 4, 1930. (cont'd.)

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Mr. T. L. Church:

for the Home department. We have a capable Minister who has been studying this problem and who is beginning to make some headway. I do not see where any objection can be made to this amendment as this has worked out very well in the provinces and I doubt if our asylums and other institutions would be in the efficient condition they are in to-day were it not for the supervision by the municipal and provincial authorities, the superior court bench, the county court bench and the grand jury. I do not know whether or not the minister will support this bill but Sir Lomer Gouin was minister he promised to look into the matter and said it was most important.

The object of section 1 is to give jurisdiction to the grand jury to visit these institutions and to examine into complaints made, and make presentments without expense to the country. These institutions are managed by the crown, and it is the intention of the bill to afford the people some reliable and definite knowledge of the conditions that prevail in them.

I have letters from two gentlemen--I will give their names if desired--who visited one of these institutions and found tubercular men who had not been allowed out in the fresh air. They found the accommodation to be against all the laws of hygiene. One of the government members in this house from Montreal island two or three years ago presented a resolution which called attention to the fact that all the laws of hygiene were being violated in these institutions in the accommodation provided. A great deal of progress has no doubt been made in the good work which the minister and his predecessors have been doing. The grand jury can do this work without expense to the country. The members of the house and others

March 4, 1930. (cont'd.) 257

Mr. T. L. Church:

have not time to go into these details, but that is the duty of the grand jury. I was looking up the textbooks, and I find that from time immemorial one of the functions of the grand jury has been to look after good government and respect institutions in the King's name and the respect for the law that they have in the old country has been due to the good work of grand jury. Grand juries have done wonderful work in this country as well.

As regards another clause of the bill there has been considerable criticism in the press of Ontario about a young man in trouble who had stolen a few hens and chickens in the city of Hamilton and was sent to Kingston. The family lived in Hamilton for many years, and this was the first time one of them had got into trouble. The judge, in order to put a stop to chicken stealing, perhaps went further than he intended. The father was sick with pneumonia, and died calling for a visit from his boy. The war has changed public opinion in many ways, and the Red Cross has been doing wonderful work of reformation in the country. There are many people in trouble who would not be were it not for present economic conditions. Just the other day in Washington, Mr. Willard, President of the Baltimore and Ohio Railway, was giving evidence on unemployment before Mr. Hoover's special committee, and he called attention to the large number of first offenders in these institutions to-day. He said:

It is a dangerous thing to have a large number of unemployed men and women--dangerous to society as a whole, dangerous to the individuals who constitute society when men are willing to work and able to work and want to work are unable to obtain work. We need not be surprised if they steal before they starve. Certainly I do not approve of stealing, but if I had to make a choice between stealing and starving I would surely not choose to starve, and in that respect I do not think I am much unlike the average individual.

I just give this illustration to show that I think an

March 4, 1930. (cont'd.)

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Mr. T. L. Church:

exception should be made in the Hamilton case. The minister's officials said no one was ever allowed out to attend his parent's funeral. Rev. Mr. Vipond wrote a long letter to the Globe in regard to the matter. He said that a prisoner by the name of Shortis, a murderer and lifer, was allowed out to attend somebody's funeral in Toronto. Perhaps the minister may think clause 2 goes too far because in some cases it might not be advisable for the father or mother to see the prisoner. The third clause has been before the house for some years. Five years ago there were seventy-five, sixty-two and sixty-one prisoners a year of the age of fifteen, sixteen, seventeen and eighteen respectively in these institutions. The minister has been carrying out a promise made to establish two juvenile institutes and has been doing good work in this connection. He has brought forward some very good votes for two institutions that I think will be a credit to the minister in the years that are to come, but he must admit that it will take two or three years to get these institutions going in Quebec and Ontario. In the meantime there is no place to keep these children. I think the minister might take that into consideration in studying the case, and adopt the clause that no one under nineteen is eligible to be housed in one of these penitentiaries.

Hon. Ernest Lapointe: The first section of the bill of my hon. friend would authorize the grand jury of any county in which a penitentiary is situated to visit, view and inspect the same, and make such inquiry as it may deem proper into the state, condition and management thereof, the nature and efficiency of its accommodation, the employment, training and treatment of convicts, the conduct of its officers, prisoners and employees, and of all others having dealings of any kind or in any capacity with such penitentiary,

March 4, 1930. (cont'd.)

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Hon. Ernest Lapointe:

and to examine and inspect the accounts, vouchers, records and books of the penitentiary; and the grand jury may thereupon make such findings and presentments as it may deem to be required in the public interest.

May I point out that such an inspection of a penitentiary as is proposed by this bill would occupy the activities of a grand jury working ten hours a day for several months? May I also mention the fact that the grand juries are composed of excellent men indeed but they are men with no especial experience in criminology or the handling of criminals, or the management or care of such institutions. Penitentiary officials are not permitted to inspect provincial institutions, nor is it considered desirable that this should be so, notwithstanding the fact that there are confined in mental diseases hospitals of the various provinces a number of inmates of penitentiaries, the care and maintenance of whom are paid by the Penitentiaries branch. There is already in the penitentiary law all that is required in the matter of inspection. Penitentiaries are inspected in detail by the superintendent, three inspectors, the auditor, the parole officer, the engineer. Such inspections are made continuously throughout the year. In addition to that, the following persons are entitled to visit and inspect a penitentiary during business hours: the Governor General of Canada, although I admit that he does not avail himself of that opportunity; the lieutenant-governor of any province of Canada; any members of the King's Privy Council of Canada, any member of any executive council of any of the provinces, any member of parliament of Canada and any judge of any court of record in Canada or in any of the provinces and such inspection is invited.

May I say in that regard that regard that the condition and

March 4, 1930. (cont'd.)

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Hon. Ernest Lapointe:

the management of our penitentiaries have been favourably commended upon, indeed have been commended by visitors from other countries connected with various organizations, the judiciary or the police forces, and that our penitentiaries compare favourable with such institutions in any other country in the world?

Mr. Adshead: Has any provision been made for the families of those in penitentiaries, who are suffering more than the prisoners themselves?

Mr. Lapointe: I am talking about the conditions in the penitentiaries themselves. What my hon. friend is referring to is a social question which does not come under the provisions of the present bill.

Mr. Speaker: The hour for public bills having been exhausted, the house will now revert to the resolution respecting allowances to war veterans.

MARCH 12, 1930.

ARTHUR DONNELLY.

Miss Macphail moved:

For a copy of all papers, letters, telegrams, and other documents dealing with the release of Arthur Donnelly from the Walkerton gaol.

Hon. Lucien Cannon (Solicitor General): Mr. Speaker, much to my regret I find that I must ask the house to reject the motion presented by the hon. member for Southeast Grey. Its adoption would be contrary to the rule that has been in force in England for many years and in Canada ever since the days of Sir John Thompson as Minister of Justice. The question apparently did not arise before that date because up to that time the exercise of clemency was practically limited to capital cases. Since Sir John Thompson's time, however his successors in office, Sir Charles Fitzpatrick (Hansard, March 1, 1905, p. 1812), Sir Allen Aylesworth, Right Honourable Charles Doherty (Hansard, May 29, 1917, p. 1814), and Sir Lomer Gouin (Hansard, April 18, 1923, p. 1975), have all maintained that documents relating to an exercise of clemency should be treated as confidential and that it would not be proper nor advisable to make them public. Sir Wilfred Laurier as leader of the government on one occasion and as leader of the opposition at a later date also supported this view. The English practice is set forth by Todd: a quotation from that author's Parliamentary Government in England seems to cover the whole question.

No interference by either house of parliament with the exercise of this prerogative is justifiable, except under extraordinary circumstances. It was said by Macaulay, that he would rather entrust it to the hands of the very worst ministry that ever held office than allow it to be exercised under the direction of the very best House of Commons; and by Sir Robert Peel, that he would leave this prerogative in the hands of the executive considering that it was the right and duty of the house to interfere only if there be a suspicion that justice is perverted for corrupt ~~purposes~~ purposes.

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March 12, 1930. (cont'd.)

Mr. Cannon:

In the case before us Mr. Speaker, which I have carefully examined, I find there is nothing to justify me in making an exception to the general practice. I would, therefore ask my hon. friend not to press the motion.

Motion negatived.

April 2, 1930.

Alberta Penitentiary--Custodian of Reserve.

Mr. Ross (Kingston):

1. What is the name of the official described on page 15, estimates 1930-31, as follows: "Alberta--salary of accountant (custodian of reserve), retiring allowance and incidental expenses"?
2. How long has he been so employed?
3. When did he retire?
4. What were his duties?
5. What was his salary each year of his employment?
6. What are the reasons for this increase?
7. On what authority was the payment of \$3,120 made in 1929-30?
8. What incidental expenses are referred to?

Mr. Lapointe:

1. J. J. Cashman.
2. Twenty-three years and eight months.
3. Has not yet retired.
4. Accountant of the Alberta penitentiary and custodian of the reserve.
- 5.

1906-07 (8 months).....	\$ 816 16
1907-08.....	1,200 00
1908-09.....	1,200 00
1909-10.....	1,200 00
1910-11.....	1,200 00
1911-12.....	1,200 00
1912-13.....	1,600 00
1913-14.....	1,600 00
1914-15.....	1,600 00
1915-16.....	1,600 00
1916-17.....	1,600 00
1917-18.....	1,600 00
1918-19.....	1,600 00
1919-20.....	1,920 00
1920-21.....	2,039 00
1921-22.....	2,160 00
1922-23.....	2,280 00
1923-24.....	2,280 00
1924-25.....	2,280 00
1925-26.....	2,280 00
1926-27.....	2,280 00

April 2, 1930 (cont'd.)

Mr. Lapointe:

1927-28.....	2,400 00
1928-29.....	2,400 00
1929-30.....	2,400 00

6. The only increases in salary given this officer have been those authorized by act of parliament and the Civil Service Commission, and the increases have been the same as those given the accountants of all the other penitentiaries.

7. No payment of \$3,120 was made for the year 1929-30. The estimates provided that amount for the maintenance of the reserve, and the expenditure totalled \$2,894.04 which was made up as follows:

Salary.....	\$ 2,400 00
Coal.....	10 50
Wood.....	4 00
Cutting and burning of weeds.....	136 63
Ploughing of land.....	225 00
Telephone account.....	57 00
Insurance premium on officers' bonds....	6 00
To Messrs. Driscoll & McKnight re blue prints etc.--penitentiary reserve, lot No. 20, Edmonton.....	15 00
Map--city of Edmonton.....	1 00
Revenue receipt book and postage.....	5 40
Sundry items.....	2 25

494 04

Expenditure.....	2,894 04
Unexpended balance.....	225 96

Appropriation.....	\$3,120 00
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8. See answer to No. 7.

HOUSE OF COMMONS DEBATES, VOL. 11, 1930.

JOHN GALLANT.

MAY 5, 1930.

CORRESPONDENCE CONCERNING RELEASE ON TICKET OF LEAVE.

Hon. J. A. MacDonald (Kings) moved:

For a copy of all correspondence, petitions and other documents in the possession of the government in connection with the release of John Gallant, of Summerside, Prince Edward Island, on ticket of leave from Dorchester penitentiary.

Hon. Ernest Lapointe: I wish to say on behalf of the Solicitor General (Mr. Cannon), who is not in the house at present, that this motion will of course be subject to the condition that confidential documents and those which it is not in the public interest to publish, will not be tabled.

Motion agreed to.

MAY 5, 1930.LACASSE AND FONTAINE.

Hon. R. J. Manion (Port William): Mr. Speaker, I would like to draw the attention of the Minister of Justice (Mr. Lapointe) to a matter which has been appearing lately in the public press. This concerns two young men who were sentenced, I believe here at Ottawa, about last October to a term in the penitentiary upon conviction on a charge of robbery, and who I understand are still incarcerated in the penitentiary. About a month ago two or three other young men came forward and admitted that they were guilty of the crime. It is true that the press reports show that when these young men were brought up for trial they pleaded not guilty. This matter has not appeared in the press lately, and I do not know the present condition of the trial. I would draw the attention of the minister to this matter because if there is any doubt as to the guilt of the young men in the penitentiary, and there would appear to be some doubt since other men have come forward and admitted their guilt, the young men at present in the penitentiary should be given the benefit of any doubt until the guilt or innocence of the other men is proven. No atonement can be made for the punishment which these young men have undergone if they should be proven to be innocent. Unless there is very grave doubt as to the guilt of the three young men, something should be done to relieve Messrs Lacasse and Fontaine, as, according to the statement of the other three, their punishment would appear to be unjustifiable.

Hon. Ernest Lapointe: I will look into this matter and will give my hon. friend an answer tomorrow.

May 22, 1930.

Mr. Church:

The Minister of Justice still allows two innocent young men of Ottawa to remain in Kingston penitentiary, even after the Attorney General of this province and the local crown attorney declared they were innocent, and a mistake made, and that they have not heard a word from the Justice department. Why are these innocent men allowed to languish in prison? Why treat the poor one way and the millionaires another? To-day there is a power family compact. Talk about twentieth century Liberalism! Well, the public will soon have something to say about this "twentieth century Liberalism."

(pp 2408)

MAY 23, 1930.

FONTAINE AND LACASSE.

Mr. J. S. Woodsworth: I would like to call the attention of the Minister of Justice to the case of two boys, Fontaine and Lacasse, who were arrested for a milk robbery on November 2, 1929, sentenced in December, the former to four years and the latter to two years. On April 1, two other boys confessed to the crime, and as a result they were convicted, sentenced and are now serving terms. I am informed that a week ago all the evidence was in the hands of the Department of Justice. It seems to me that the case of these two boys represents a gross miscarriage of justice, and I ask the minister when these boys will be released; and is there any possibility of reparation being made?

Hon. Ernest Lapointe: I am glad my hon. friend has mentioned this question. The officials in my office informed me this ~~xxxxxx~~ morning that this matter had two days ago been brought to the attention of the Department of Justice by the crown prosecutor of the county of Carleton. I immediately communicated with the Solicitor General who has under his control the ticket of Leave Act, and he has signed a recommendation to the governor in council. I understand it has been passed, in order that they may be released immediately. Meanwhile counsel acting for these two boys is asking the Department of Justice to order a new trial, and I am considering whether this is the best course to take under the circumstances, or whether a pardon should be issued in order to avoid the necessity of a new trial.

HOUSE OF COMMONS DEBATES, VOL. 111, 1930.

MAY 24, 1930.

INMATES OF PENITENTIARIES.

MR. LUCHKOVICH:

1. How many persons were incarcerated in Canadian penitentiaries during the year 1929?
2. What is the racial origin of the various prisoners?

Mr. Lapointe:

The answers to the above questions may be found on page seven of the annual report of the superintendent of penitentiaries, for the fiscal year ended March 31, 1929, and are as follows:--

1.

1. 2,769

2. White	2,589
Coloured.....	60
Indian.....	42
Indian halfbreed.....	7
Mongolian.....	71
	<u>2,769</u>

(pp 2541)

HOUSE OF COMMONS DEBATES, VOL. LII, 1930.

May 27, 1930.

FONTAINE AND LACASSE.

Hon. Ernest Lapointe: Mr. Speaker, I would like to refer to the case of the two young men, Fontaine and Lacasse, which was brought to the attention of the house the other day by the hon. member for Winnipeg North Centre (Mr. Woodsworth).

Mr. Mannion: And some time ago by myself.

Mr. Lapointe: The documents reached the Department of Justice only last wee, and these men were immediately released on Saturday on ticket of leave. Since then I have looked into the matter and have investigated the circumstances, and yesterday I signed an order for a new trial as requested by their counsel.

MAY 28, 1930.

CRIMINAL CODE AMENDMENT.

Mr. Church: The subject matter of the second amendment is contained in Hansard of March 4. In amendment I move that the following words be added to section 41:

The grand jury of any county in which a penitentiary is situated may visit, view and inspect the same and make a presentment of any recommendation they see fit, notwithstanding the provisions of the Penitentiaries Act, chapter 154 of the revised statutes of Canada, 1927, or of any law, custom or usage to the contrary.

This matter is referred to in Hansard of March 4. Within the past few days public attention has been directed to the case of two young boys who were sentenced to imprisonment in one of these institutions, and it has been proved that they were wrongfully sent there. I wonder if there are any others like them down there. How many great penal institutions are there in which innocent people are incarcerated. In Hansard of March 4, 1930, I find the following:

In Hamilton, two sane men for several years were in the asylum and one case in York county girls were found without food and shelter, in adungeon below ground, this being a punishment for some minor offence. The chief justice in addressing the grand jury said:

"I am in accord with your views as to inspection of these penitentiaries. Such inspection is in accord with that great principle in the administration of justice which for centuries has been applied and was confirmed by Magna Charta, namely, that the people shall have a large share in the administration of justice in criminal cases.

Whether penitentiaries are well or ill managed they are managed altogether by crown officers; and the management of them is a thing of much importance in the administration of the criminal laws so much that assuredly the people should be entitled to some means of learning for themselves what the crown officials are doing and how it is being done.

The grand jury, representing the people of the judicial district, can most conveniently, and at no cost, perform for the people the duty of visitation.

But one matter of detail I mention, because it seems to me that it should receive consideration.

(pp 2760)

Mr. T. L. Church:

In some counties there may be five grand juries in a year. Let me suggest that their power be limited thus: say twice a year."

These institutions have been managed by the crown and while there is no complaint as to the way they have been run I think it is in the public interest that they should be visited by the grand jury. The minister has said these are provincial institutions, but that is not so; they are established under the criminal code, and the officials are appointed by this government, which maintains the institutions. Now one knows what is going on there. Are there any more innocent people in these places and, if so, how did they get there? It is the right of the grand jury to go through provincial institutions in the same way. There was a big fire in one of these places across the border a short time ago because the proper inspection was not carried on. Are we just to take some person's word for it that everything is all right? We will have more reforms if we have the grand jury go to these places once or twice a year and make a presentment to the court. The grand jury represents parliament and the people; it is an old institution and should be allowed to go through these places and make inspections.

Mr. Lapointe: The hon. gentleman has proposed an amendment of this kind where, if it should be desirable, it should be made; that is, to the Penitentiaries Act. That amendment did not meet with favour in the house, and properly so, because after all provincial institutions must not be under federal control. Our officers have no jurisdiction in the provincial jails, and grand juries which are provincial bodies, do not have and should not have jurisdiction in federal institutions. Why should the grand jury in the county of Laval have jurisdiction over the penitentiary at St. Vincent de Paul, when the other grand juries in other sections of the province

May 28, 1930. (cont'd.)

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Mr. Lapointe:

would have no jurisdiction? Why should the grand jury of Frontenac county have a special privilege or duty with regard to the penitentiary at Kingston which would not belong to the other grand juries in other sections of Ontario? I do not think the amendment is workable; it has been debated in the house and settled.

Amendment withdrawn.

Bill reported, read the third time and passed.

NEW WESTMINSTER PENITENTIARY--INMATES.

- 1. How many persons were confined as inmates of the penitentiary at New Westminster, British Columbia, for the the fiscal years, 1926, 1927, 1928, 1929 and 1930?
- 2. How many persons of Japanese origin were confined as inmates in the New Westminster penitentiary, British Columbia for the fiscal years 1926, 1927, 1928, 1929 and 1930?
- 3. How many persons of Chinese origin or race were confined inmates in the said penitentiary, for the years 1926, 1927, 1928, 1929 and 1930?
- 4. How many persons of Japanese or Chinese origin or race have been deported from the New Westminster penitentiary during the years 1926, 1927, 1928, 1929 and 1930?

Mr. Guthrie:

- 1. 1926-27, 242; 1927-28, 292; 1928-29, 298; 1929-30, 334; 1930-31, 388.
- 2. 1926-27, 1; 1927-28, 2; 1928-29, 2; 1929-30, 2; 1930-31, 1.
- 3. 1926-27, 29; 1927-28, 42; 1928-29, 55; 1929-30, 69; 1930-31, 72.

4.		Japanese	Chinese.
	1926-27.....	11
	1927-28.....	8
	1928-29.....	17
	1929-30.....	4
	1930-31.....	2	14

HOUSE OF COMMONS DEBATES, VOL. 11, 1931.APRIL 30, 1931.COLLIN'S BAY PREFERRED PENITENTIARY.

Miss Agnes Macphail: I would like to ask the Minister of Justice (Mr. Guthrie) who has been appointed as warden of the preferred penitentiary at Collin's Bay.

Hon. Hugh Guthrie (Minister of Justice): No permanent appointments has yet been made. The acting warden is Mr. Jackson.

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HOUSE OF COMMONS DEBATES, VOL. 11, 1931.

MAY 4, 1931.

QUESTION.

DONAT HOUDE.

Mr. Dennis:

1. Has Mr. Donat Houde, of Montreal, who was serving a prison term been liberated by virtue of the Parole Act?
2. If so, on what date?
3. What period of imprisonment did he serve?
4. What was supposed to be the length of his sentence?
5. For what offence was he convicted?

Mr. Dupre:

1. No.
 2. Answered by No. 1.
 3. Answered by No. 1.
 4. Answered by No. 1.
 5. Breaking, entering and theft.
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(pp 1232)

MR RINFRET

MAY 7, 1931.

EPHREM RENAUD--THE PAROLE SYSTEM.

1. Was one Ephrem Renaud, of St. Eustache, Quebec, recently liberated on parole from the St. Vincent de Paul penitentiary?
2. If so, what was the length of his sentence, and how long was he detained in said penitentiary?
3. By whose recommendation was he liberated?

Mr. Rinfret: With reference to this question, Mr. Speaker, I notice that when it was called yesterday the right hon. Prime Minister (Mr. Bennett) took the attitude that it was not a proper question to ask, stating that it had not been the practice in the past for governments to reply to such question. I would point out briefly, however, that this question of mine is quite different from questions or demands of a similar nature made in the past. The last occasion on which a question of this kind was asked in this house was on March 12, 1930, when the hon. member for Southeast Grey (Miss MacPhail) submitted a motion for a copy of all papers, letters, telegrams and other documents concerning a certain case of liberation. May I point out further that I am not asking for any confidential reports or documents; I merely wish to make certain of a group of facts where a certain person has been liberated--what was the length of his sentence, how long he had been detained, and so forth. These are facts; there is nothing in the nature of a demand for confidential reports. There is another point I would also make. When the Hon. Lucien Cannon, the predecessor of my good friend the present Solicitor General (Mr. Dupre), refused to produce such documents, he made it very clear that he had examined the case, and he took the responsibility for refusing the production of those documents. In other words, someone must be responsible for cases of this kind. If the government does not desire to give

1000

The first part of the book is devoted to a general introduction to the subject of the history of the world. It begins with a chapter on the origin of the world, and then proceeds to a chapter on the origin of man. The second part of the book is devoted to a general introduction to the subject of the history of the world. It begins with a chapter on the origin of the world, and then proceeds to a chapter on the origin of man. The third part of the book is devoted to a general introduction to the subject of the history of the world. It begins with a chapter on the origin of the world, and then proceeds to a chapter on the origin of man. The fourth part of the book is devoted to a general introduction to the subject of the history of the world. It begins with a chapter on the origin of the world, and then proceeds to a chapter on the origin of man. The fifth part of the book is devoted to a general introduction to the subject of the history of the world. It begins with a chapter on the origin of the world, and then proceeds to a chapter on the origin of man. The sixth part of the book is devoted to a general introduction to the subject of the history of the world. It begins with a chapter on the origin of the world, and then proceeds to a chapter on the origin of man. The seventh part of the book is devoted to a general introduction to the subject of the history of the world. It begins with a chapter on the origin of the world, and then proceeds to a chapter on the origin of man. The eighth part of the book is devoted to a general introduction to the subject of the history of the world. It begins with a chapter on the origin of the world, and then proceeds to a chapter on the origin of man. The ninth part of the book is devoted to a general introduction to the subject of the history of the world. It begins with a chapter on the origin of the world, and then proceeds to a chapter on the origin of man. The tenth part of the book is devoted to a general introduction to the subject of the history of the world. It begins with a chapter on the origin of the world, and then proceeds to a chapter on the origin of man.

May 7, 1931. (cont'd.)

to parliament information concerning cases of liberation, at least we should have a pronouncement for one of the ministry--and I think it should come from the Solicitor General--that he has looked into the matter and is quite satisfied that the case has been properly handled, and that for such reasons he does not desire to give the information. But the mere refusal to answer the question, without any acceptance of responsibility, is not, in my opinion, in conformity with responsible government. Someone must be responsible for any liberation on parole granted on the recommendation of the Solicitor General--

Some hon. Members: Order.

Mr. Rinfret: --They should take the responsibility.

Mr. Speaker: The hon. member has explained in sufficient detail the nature of his question.

Mr. Rinfret: I am sorry you did not call me to order sooner, Mr. Speaker. I am through.

Mr. Bennett: Yesterday I made certain observations with respect to this question. This is a matter that touches, not the Solicitor General nor the Department of Justice, but the conduct of government. The question as to whether or not information of this character should be given is a question that has engaged the attention of successive administrations, and the rule has been not to furnish such information. And until the matter is properly debated and another conclusion has been arrived at which would involve making known to the public every case that is dealt with--for one means all--the government does not propose to depart from that rule. May I point out that because it is His Excellency the Governor General who acts upon the advice of his ministers. They accept the

May 7, 1931. (cont'd.)

Mr. Bennett: ~~It is provided by statute~~

responsibility; it is provided by statute; and as one case means all, then until this house, by proper notice of motion and subsequent discussion and debate, has arrived at a conclusion other than that which I have indicated, the government, I repeat, does not propose to depart from the rule.

Mr. Lapointe: May I ask my right hon. friend if that applies to Nos. 1 and 2 of the question?

Mr. Bennett: Yes.

Mr. Lapointe: But they are merely questions of fact.

Mr. Bennett: Quite so.

Mr. Lapointe: They merely inquire whether a certain man has been liberated. I quite understand the objection that might be raised to No. 3--by whose recommendation he was liberated. This involves confidential reports, and in the interest of justice these confidential documents ought not to be given to the public. But as to the question whether a certain man has been in gaol and has been liberated, I think the public has a right to know.

Mr. Bennett: If I may speak again with the consent of the house, may I observe that that has not been the rule. Indeed, this house on a previous occasion went so far as to sustain the judgment of those responsible, that even names should not be brought before the chamber; because the theory of the law is the exact opposite of that. If it is thought desirable that information of this kind should be given, and a notice is put on the order paper, I am content that the matter should be debated, and that the fullest opportunity be given the house to determine what action shall be taken. But this would certainly involve a principle which I would oppose--the production of names. If the ex-Minister of Justice (Mr. Lapointe) will consider the matter, he will realize that even the

May 7, 1931. (cont'd.)

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Mr. Bennett:

mere giving of a name involves the question of adequacy of sentence, the sufficiency of reasons, and the bona fides of the action taken. I have heard them impugned in the days of my hon. friend and I have never lent assistance to such criticism because I have felt that it was one of those matters with respect to which, once you have introduced discussion in this house as to whether or not political or other considerations have had an influence in the action taken, you destroy the whole foundation upon which the provisions of the statute were built. However, Mr. Speaker, I repeat that if this house desires that the matter be discussed I shall endeavour to afford every possible opportunity to those who may put the necessary notice on the order paper to have it debated.

Mr. Rinfret: But in the meanwhile--

Mr. Bennett: In the meanwhile the practice that has theretofore prevailed will continue to be observed, and no information will be given.

Mr. Rinfret: In the meanwhile I would ask either the Solicitor General or the Prime Minister whether such information is available privately at the department.

Mr. Bennett: I will treat that as question on the order paper and we will investigate and see what the practice has been. I know what the practice is in the Home Office, because there was a little volume issued last year in respect of the conduct of business there.

Mr. Power: You are Prime Minister of Canada.

Mr. Bennett: I am glad my hon. friend realizes it. He does so rather late in the day, but that is immaterial. However, the practice which has prevailed heretofore in this matter will, I repeat, be observed in this case.

Mr. Speaker: The government declines to answer the question as it

JUNE 1, 1931.

The Budget.

Mr. Bennett:

The expenditures in respect to penitentiaries increased by \$676,000. During the year the penitentiary population increased 527, thereby requiring larger staffs and supplies. Of the increase, \$125,000 represents expenditures in connection with the erection of a new institution which was established during the year.

(pp 2146)

HOUSE OF COMMONS DEBATES, VOL.III, 1931.JUNE 9, 1931

CONVICTED STOCKBROCKERS

On the orders of the day:

Mr. J. S. WOODSWORTH (Winnipeg North Centre): Two years ago quite a large sum of money was voted by the house for the establishment of a special farm near Kingston for juvenile delinquents. According to a report in yesterday's Toronto Globe the convicted stockbrokers are now enjoying life on that farm in a sort of open air camp. The article goes on to say:

Men sent down for defrauding clients of millions are "preferred" inmates, work on smiling farm lands, are housed in construction camp buildings and whole area is enclosed by fence to keep public out. Guards carry no arms - balanced rations and music in the evenings.

And so on. I should like to ask the Minister of Justice whether special treatment is being given to these stockbrokers or whether this article is a mere fabrication.

Hon. HUGH GUTHRIE (Minister of Justice): I may say that the farm in question is not for juvenile delinquents. It is called a "preferred class" penitentiary. I have no knowledge whatever as to where the stockbrokers referred to have been incarcerated. I shall make inquiries and report to-morrow to the hon. member.

HOUSE OF COMMONS DEBATES

VOL. III, 1931 - JUNE 10, 1931.

CONVICTED STOCKBROKERS:

Hon. HUGH GUTHRIE (Minister of Justice): I promised yesterday, in response to a question asked by the hon. member for Winnipeg North Centre (Mr. Woodsworth), to get some information as to the treatment of certain prisoners in the preferred class penitentiary near Kingston. The matter arises out of a somewhat lurid article which appeared in the Toronto Globe of the 8th day of June, referring to those prisoners. I have received the following information from the superintendent of penitentiaries and I shall give it to the house just as I have received it:

There are ten former Toronto brokers confined in the preferred class penitentiary. Superintendent has seen all of these men at work at times. He has personally interviewed each one of them. He has seen them employed on cement mixers, digging ditches, assisting in installing an intake pipe for water system, building a stone wall, painting buildings, building two pump-houses, farming, gardening, unloading material at railway siding, cataloguing library books, assisting in the checking of stores, and storing of goods as received, several employed at carpenter work, washing and repairing inmates' clothing, assisting the accountant, the storekeeper, the engineer. One of the oldest inmates is steadily employed as a clerk in the deputy warden's office. They are treated in exactly similar manner to all the other inmates. One is employed part-time in the hospital and part-time at other work. In fact, they are employed wherever their abilities can be utilized.

There are 200 inmates at the preferred class institution. These men are all short-timers and selected because they are short-timers whose offences have not been brutal or vicious and whose employment under existing conditions is considered safe. There are no walls and only a wire fence around the dormitories where they sleep.

A philanthropic gentleman, no friend of the ex-brokers, presented the institution with a gramophone and a number of records. This has been the only music provided in the institution.

CONVICTED STOCKBROKERS (Cont'd)

A nucleus of a library of carefully selected books has been secured. It is the intention that this will be added to another year.

This is all in conformity with the discussion which took place in the house when the vote for a preferred class penitentiary was being passed. This is not an ordinary penitentiary, but one for the purpose of giving men an opportunity to reform. It is for short-time men, the definition of that being a sentence up to four years, for first offenders and for men whose conduct in the penitentiary has justified their removal to the preferred class. There are now 200 in the preferred class penitentiary which has been constructed almost entirely by prison labour.

MR. JACOBS: I did not hear the minister very well. Did he say that they were employed on cement mixers or cement mergers?

HOUSE OF COMMONS DEBATES

VOL III, 1931 - JUNE 22, 1931

COLLIN'S BAY PREFERRED PENITENTIARY

Miss MACPHAIL:

1. How many officers, temporary and permanent, are employed at the preferred penitentiary: (a) at Collin's bay; (b) at St. Vincent de Paul?
2. How many rifles, guns and revolvers have been procured for the preferred penitentiary at Collin's bay to date?
3. Do any officers of the preferred penitentiary at Collin's bay carry any kind of firearms by night or by day?
4. Is it permitted to friends of the convicted brokers to visit them as often as they wish?

July 27, 1931.

SUPPLY--CRIME AND CRIMINALS.

Rt. Hon. R. B. Bennett moved that the house go into committee of supply.

MR. J. S. Woodsworth: Before you leave the chair, Mr. Speaker, I wish to bring to the attention of the house some considerations with regard to the administration of our criminal laws. There is no recognized place for the discussion of such a topic, the estimates for penitentiaries being nearly always presented in the last crowded hours of the session, when they receive scant attention. I therefore feel justified to-night in bringing to the attention of the government and of the house some matters which I believe are creating increasing interest among the outside public.

First I venture to suggest that justice is not being impartially administered. Let me point out one or two instances to illustrate my meaning. I quote from a paragraph in the Winnipeg Tribune of June 5, 1931:

Tense, whitefaced and repentant, Mike Kohut, young farmer of Sundown, Manitoba, winced and clutched the side of the dock when sentenced to ten years in the penitentiary by Magistrate Noble in city police court to-day for extortion.

Kohut pleaded guilty to a charge of "demanding property with menaces."

Again--

Asked in court to-day if he had anything to say before sentence was pronounced Kohut replied, "I didn't try to do those things."

"But it was only because you were caught before you could do so," replied Magistrate Noble.

Again--

"This is a very serious offence," commented Magistrate Noble, "and carries a maximum penalty of fourteen years in the penitentiary. I can't see where we could have anything much worse than your case. There will be a sentence of ten years in the penitentiary."

July 27, 1931. 287

Mr. Woodsworth:

Here is a young fellow who was represented by no lawyer whatever. His mind is said to be somewhat unbalanced and he had simply threatened to do certain things. In his own stupid, fumbling way he probably told the truth as he saw it, when he said that he actually had not done them. I contrast that with another sentence which was reported in the Manitoba Free Press of May 6, 1931, just a few weeks previously:

Lachlan McNeill, for many years head of the Manitoba Farm Loans association, was sent to Headingly jail for eighteen months by Magistrate H. R. Welsford in provincial police court today when he pleaded guilty to theft of more than \$7,000 government moneys.....

The court expressed much sympathy with the man, who, after a long and successful career in the public service, where he was highly regarded, now finds himself penniless, and with his character gone. For that reason it dealt leniently.

Here was different sort of crime, the appropriation of \$7,000 of government money, extending over a period of five years, and the sentence was eighteen months. I do not know what some hon. members may think of this, especially some of the lawyers who are accustomed to cases of this kind. But I would point out to you, Mr. Speake, that a growing number of ordinary people across the country are beginning to resent keenly what seems to them great partiality in the administration of justice. It would seem as if the big criminal is treated in one way and the little criminal in an altogether different and more severe fashion. Let me give a few other illustrations. I quote from the Free Press of December 22:

Bank hold-up. Gang leader is given twelve years, twenty strokes.

This was simply one of a number of similar sentences meted out by Magistrate R. B. Graham to some young criminals who had been convicted of hold-ups.

July 27, 1931. (cont'd.) 298

Mr. Woodsworth:

Here is another from Toronto:

James Kirkland, self-confessed bank bandit, who admitted having robbed the Bank of Montreal at King, the Bank of Nova Scotia at Agincourt, and the Canadian Bank of Commerce at Unionville, was this week sentenced to serve eighteen years in the Portsmouth penitentiary, with fifteen lashes at the end of sixty days, by Magistrate William Keith in the York county police court.

Take another case which has come to my knowledge. A young chap named Kitowski robbed a bank. The report says:

Kitowski robbed the Dominion bank, Wednesday, of \$540. The deed was committed at 12.45 p.m., and in less than twenty-four hours, the bandit received, after pleading guilty to the crime before Magistrate H. L. Cruso, the severe punishment of five years and twenty lashes to be administered in the Stony Mountain penitentiary....Kitowski is only sixteen years and two months old.

I am very glad to say that clemency was shown to this boy and the lashes were remitted. Here is a boy just past sixteen who ought to have been dealt with by the juvenile court; yet he was sentenced to five years in the penitentiary. He had not actually injured anyone. It is true he held up a bank, but he was caught and the money had not been disposed of. So that no one was the loser. I am not justifying him, but I do say this is a very severe penalty to inflict upon a boy. Personally I do not think any police magistrate ought to have such powers. This is one respect in which the law should be changed.

Mr. Ryckman: In fairness, should you not say that he was armed and threatened to shoot?

Mr. Woodsworth: He was armed.

Mr. Ryckman: And threatened to shoot.

Mr. Short: If the money had not been handed over he would have shot.

Mr. Woodsworth: I want to be fair; I am quoting these extracts briefly. In contrast, let me now give two Canadian Press despatches:

Toronto, Nov. 3.--A verdict of guilty was brought in by the jury Saturday after deliberating three and half hours in the case of D. S. Peterson and Austin Campbell, charged with conspiracy to

July 27, 1921. (cont'd.)

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Mr. Woodsworth:

defraud and affect the price of stocks.

Toronto, Ont., Nov. 3.--D. S. Patterson and company, mining brokers were suspended from trading on the Standard Mining Exchange today.

I cannot help contrasting such a sentence as that with the sentence meted out to these poor boys of whom I have been speaking.

Mr. Short: Was that broker armed?

Mr. Woodsworth: No; there are easier ways of robbing people than by using arms--and much more effective.

Mr. Bennett: What was the sentence?

Mr. Woodsworth: He was suspended.

Mr. Bennett: No; that was not the sentence. That had nothing to do with the sentence.

Mr. Woodsworth: A verdict of guilty was bought in. The sentence is not given.

Mr. Bennett: He is in the penitentiary now.

Mr. Woodsworth: Yes, and that is another matter to which I wanted to refer. He has been placed in the preferred class penitentiary. Only a week or so ago we had some information regarding some of these mining brokers who had been placed on the Collins Bay farm some miles west of the city of Kingston. We were told by the Minister of Justice (Mr. Guthrie) that this farm was not intended for juveniles. When the estimates were being considered in 1928, the hon member for Kingston (Mr. Ross) made a strong plea for better treatment of juvenile delinquents. The following reply was made by the then Minister of Justice (Mr. Lapointe) as appears on page 4063 of Hansard of June 9, 1928:

When the estimates are being prepared next year this will help me to convince my colleagues that the money will be well spent to provide for the construction of special institutions for young offenders.

July 27, 1931. (cont'd.)

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Mr. Woodsworth:

The debate of the following year will show that this farm was intended for juvenile delinquents. It is true that it was classed as a preferred class penitentiary site, but I do not think that any hon. member imagined that the preferred class would be the big criminals, such as mining brokers. As someone has said, this is a sort of country club for tired brokers.

Mr. Guthrie: Did my hon. friend say that in the passing of the estimates it was stated that this would be used for juvenile offenders?

Mr. Woodsworth: I said that the discussion would show that it was for juvenile offenders, although it was classed as a preferred class penitentiary site. The hon. member for Kingston followed much the same line as the year before and it was taken for granted that it was to be for juvenile delinquents. I bring this matter up because I know that a large number of people feel very strongly with regard to this matter. May I read what the Toronto Star had to say in connection with the Solloway-Mills case. The article reads:

Guilty Bokers escape with one Month and four Months in Jail--Man who steals an overcoat gets several years.

It comes down to this, does it not: That because the guilty brokers are willing to pay into the provincial treasuries a total of half a million dollars out of the vast sums they improperly took from the public, they are to escape with one month and four months in jail. And the elected representatives of the people whose duty it is to see that justice is impartial are satisfied with the arrangement, if, indeed, it was not their own making.

Meanwhile, an unemployed man who steals a suit and an overcoat is liable to go to prison for several years without intervention on his behalf from the fountain head of justice.

Something will have to be done by leaders of the community to improve upon the faulty workings of our system of justice and restore faith in its impartiality.

I quite agree with the comment made by the Toronto Star. Let me give one or two expressions of opinion from my own city. I quote the following:

July 27, 1931. (cont'd.)

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Mr. Woodsworth:

Judge L. St. G. Stubbs spoke to Mrs. Doris Wyrozub, after acquitting her on a charge of aiding her husband to break jail. He said: "Had you been the wife of some wealthy man, sent to jail for robbing the bank by more subtle methods than those used by your husband, there would have been no need for the use of hack-saws to secure his release. The more potent weapon of political influence is much less dangerous, and much more up-to-date."

That is what was said from the bench by Judge Stubbs.

Mr. Guthrie: His Honour Judge Stubbs does not admit that report.

Mr. Woodsworth: Of course I have not his statement.

Mr. Guthrie: I have, and in writing.

Mr. Woodsworth: I am well acquainted with his honour.

Mr. Guthrie; SonI believe.

Mr. Woodsworth: I know something of his sentiments in this regard.

In sending Jack Tansowny to gaol for two weeks for furious driving, his honour said:

When a few wealth rogues can steal more money than all the bank robbers and hold-up men since Canada began, and get off with nominal punishment, it is very distrubing, not only to some of the judges, but to the very serious effect it has on the mind of the public.

I know that our laws have come into existence by piece-meal methods, some of the severest being inherited from the early days. I do not think anyone will contend that in these more modern days we have been as severe with modern crime as they were in the days of old with the class of criminals of that day. Many people are losing their all through speculation, and I ask whether or not this house has any responsibility in the matter. I have talked over this matter with the Under-Secretary of State, but he tells me that he does not see how we can do anything. If we manage to punish crime ~~which defrauds~~ ~~if it is~~ of other kinds, surely we can punish crime which defrauds people for large sums of money, sometimes of their very living itself.

July 27, 1931. (cont'd.)

Mr. Woodsworth:

I received the following letter only a few days ago:

I am an employee of the C.N. for about 23 years. When I was a kid of 14, father became an invalid so I had to get out and hustle. At 17 I took out an endowment policy in the Manufacturers' Life. It often kept me guessing to meet the premium but I managed to cash in on it in 1927.

That year was rather unfortunante as I was advised by a so-called business man to invest in some good bonds or preferred stock, so he had a talk with a bond salesman at Wood-Gundy's, and picked out Anticosti for me. So I slammed \$2,000 into it.

I am enclosing an editorial from to-day's Free Press which will explain the whole steal better than I can. For every \$100 I put in, I get one and half shares common. The common is quoted at sixty cents, so that gives me ninety cents ro nine mills on the dollar.

Is it any wonder that Canadians are losing faith in their country. The only difference I can see between Sir Herbert Holt and Solloway Mills, etc., is that the latter are in jail, while the former is a bank president.

It seems to me that that letter well illustrates what a large number of the so-called "common" people in this country are thinking. In so far as this government represents law and order, it behooves us to take such steps as will remove these anomalies from our criminal code.

Mr. Hanson (York-Sunbury): Does not the hon. member know that under our consitution the administration of the criminal law is in the hands of the provinces?

Mr. Woodsworth: Yes, I know that, but I know also that the federal authorities have general supervision.

Mr. Hanson: Over what?

Mr Woodsworth: The Minister of Justice has a certain function; the Solicitor General has a certain function, and this parliament is the body which enacts the criminal code. When interrupted I was urging that we pass legislation which will enable us to deal with the big criminals just as we deal with the small.

July 27, 1931 (cont'd.)

Mr. Woodsworth:

Further, in my opinion there should be appointed a special commission to study the causes of crime and the treatment of criminals. It is said that in this connection we are ahead of the United States; I believe that to be true, but I believe that we are far behind Great Britian. Some years ago that country made a careful investigation of the whole situation, and since that time there has been a very marked improvement. The following resolution was passed by the legislative assembly of Manitoba. I quote from the routine proceedings of March 23, 1931, as follows:

That whereas the increasing number of convictions in Canadian criminal courts, and of prisoners in our reformatories, jails and penitentiaries, indicates that crime is on the increase notwithstanding severe and long prison sentences and the imposition of flogging; and,

Whereas no scientific system of segregation and treatment of prisoners according to age, nature of the crime committed, and modern methods of reclamation, at present exists in our prisons and penitentiaries; and

Whereas the recommendations of a royal commission appointed by the British government to study the whole question of the cause, punishment, and cure of crime, was followed by legislation which apparently has resulted in a lessened incidence of crime; which recommendations included new forms of trial, new institutions for the preventive detention and treatment of prisoners, such as the Borstal institutions, prison aid, associations, the Criminal Court of Appeal, the Juvenile Delinquency Act, and Parole Act, and

Whereas there is in Canada urgent need for a similar exhaustive investigation into the whole matter of crime, treatment of prisoners, conduct of prisoners and penitentiaries, the nature of punishment, and the institutions and organizations necessary for scientific dealing with the problem;

Therefore be it resolved, that this legislature do hereby humbly memorialize His Excellency, the governor general in council, to make such investigation, by royal commission or otherwise, into the matter of crime, its causes and remedies, present and possible methods of dealing with persons accused of crime and of persons convicted thereof for the purpose of creating legislation, institutions and organizations, necessary for dealing with crime and criminals in an efficient manner.

Mr. Heynon: Why not just read the report of the English Commission?

July 27, 1931. (cont'd.) 294

Mr. Woodsworth: Would the hon. gentleman like me to read it?

Mr. Beynon: Why not adpt it in Canada instead of having a royal commission?

Mr. Woodsworth: If we adopted the report of the English commission, we would probably accomplish our purpose.

Mr. Beynon: I think that would cover it.

Mr. Woodsworth: It might. The trouble is that we have drifted along from year to year in the old way, and we have not attempted any very drastic reforms in dealing with criminals. This idea of a royal commission on crime is endorsed by the Canadian prisoners' Welfare Association of Montreal.

I do not think I need go into any further detail with regard to the necessity of some more modern methods of dealing with crime. In a pamphlet published Attawa, giving statistics of criminal and other offences, I note that in 1900 there were 780 convictions per 100,000 of population, while in Great Britain the convictions amounted to less than 200 per 100,000 of population. In that respect we are evidently far behind Great Britain. I admit that conditions in Canada are somewhat different from those in the old country. Owing to our very large and mixed populations and vast spaces, the situation in this country may be difficult. On the other hand we are apt to say that in the more crowded industrial sections we would look for more crime.

Mr. Guthrie: Do those figures include convictions for offences against provincial liquor acts?

Mr. Woodsworth: That I cannot say.

Mr. Guthrie: I think they do. It makes a great difference.

Mr. Woodsworth: In this connection I might quote from a statement from an address delivered in January, 1931, by the Hon. E. J. McMurray, former Solicitor General, before the service clubs of

July 27, 1931. (cont'd.)

Mr. Woodsworth:

The policemen of Great Britain and Ireland are unarmed and the criminals are unarmed. The jails are becoming empty. From 1913 up to 1930 crime decreased from 600 in every 100,000 population to 120. There are but one-fourth as many people in prisons in Great Britain to-day as there were in 1913....Intelligent scientific treatment of a purely scientific problem has had this result.

Let me give some of our own statistics. The total number of people in Canadian penitentiaries has jumped from 2,769 to 3,187, an increase of 418 over the previous year. By far the greater part of this increase is in the provinces of Manitoba and Saskatchewan. The figures for Saskatchewan penitentiary have almost doubled during the past year--501 on March 31, 1930, as against 268 in 1929. Forty eight were under twenty years of age when sentenced. I think that is a most serious situation. Over 45 per cent of the total number of prisoners are between the ages of twenty and thirty. Nearly 12 per cent are not yet twenty years old. So that about 57 per cent of the total number of prisoners in Canadian penitentiaries are not over thirty years of age.

We have ~~very~~ largely gone on the old plan of ~~making the~~ dealing with the criminal individually. Henry Elmer Barnes has said in the Story of Crime:

The modern criminology supplants the old slogan of making the punishment fit the crime by the new objective of making the treatment fit the criminal.

Some hon. gentlemen insist on banging their desks as I talk. I am well aware that a number of members are not in the slightest degree interested in this question of crime and the treatment of criminals. In the last ten years, that I have been a member of the house I have found that we have had practically no opportunity of entering into details with regard to the situation or really carefully considering the matter. I cannot hope that to-night at this late stage in the session--and this is the first

July 27, 1931.

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Mr. Woodsworth:

opportunity I have had of dealing with the matter--we can give it careful consideration. What I am pleading for is that in some way the Department of Justice would consider very definite reform measures. If it be necessary to have a royal commission--and sometimes these royal commissions are overdone--let us have one, but in some way let men competent to deal with the question give careful consideration to the whole subject with a view of working more nearly along the British lines or bringing in some other better system. We should not be satisfied simply with reading reports of how we are dealing with criminals; rather, we should take some steps to try to understand and abolish the causes of crime.

Hon. Hugh Guthrie: I agree with the hon. member for Winnipeg North Centre that the matter he has just discussed is one of the greatest importance in this or any other civilized country. I regret exceedingly that he has waited until almost the closing day of the session to bring this subject to the attention of the house, I also regret that I had no notice whatever that he intended to bring the matter up this evening or at any time to-day; otherwise I might have had before me certain information, in particular statistical data which might have thrown a good deal of light upon the administration of the criminal law in the Dominion of Canada.

As has already been said the administration of the law does not belong to the jurisdiction of this government or parliament. Under our system the administration of the law, both civil and criminal, is entrusted almost exclusively to the various provinces. It is true that the criminal law is enacted in this parliament, and that the federal government appoints the judges who for the most part administer that criminal law throughout Canada. But there is a great body of the criminal law which is not administered by the

July 27, 1931. (cont'd.)

Mr. Guthrie: ~~THE HON. JUDGE~~

judges we appoint. The majority of the convictions to which my hon. friend has just referred are convictions by justices of the peace, police magistrates, stipendiary magistrates, all of whom are appointed by the governments of the various provinces. The vast majority of the convictions are from the courts of our magistrates, in whose appointment this government has no voice whatever.

I agree that it is difficult in a country such as Canada, or in any country for that matter, to secure uniformity in regard to criminal sentences. Indeed it is impossible. Each case must be decided upon its own particular facts and circumstances. Matters which will appeal to one presiding judge may not appeal to another. The circumstances in no two cases exactly coincide. Consequently we are bound to have in the various parts and among the different populations of this country differences in regard to sentences.

There is a branch of the Department of Justice known as the remission branch, which deals with criminal cases on the basis of executive clemency, where recommendations are made to His Excellency the Governor General in respect of person who are actually in custody serving the sentence. Until a man or a woman has been placed in one of our penal institutions and is actually in custody no question of clemency arises and the Department of Justice in no way interferes; but after the criminal is in custody, then it is within the power of His Excellency the Governor General, in the exercise of the royal prerogative, to take a lenient view, as he very frequently does on many of the applications which are brought before him in respect of clemency.

We have on the statute books of this country what is known as the Ticket of Leave Act. Under that act it is competent for any man or woman who is confined in a penal institution to bring

July 27, 1931, (cont'd.)

Mr. Guthrie:

his case up for a consideration before His Excellency the Governor General and ask for the exercise of the royal prerogative. Those cases are exceedingly numerous. The applications will run to four thousand, probably five thousand, in a year, and each application, when it comes in, is fully considered and such recommendation is made to His Excellency as seems to accord with the circumstances of the case.

I admit that probably at this date the conditions in respect of criminals and crime are more advanced in Great Britain than in Canada. I have read, not as fully as I should like to have done, and I have to some extent considered, the report of the royal commission in Great Britain upon this subject. We in this country are endeavouring as fast as we reasonably can to adopt such of those methods as have been adopted in Great Britain with excellent results. But we cannot do so in the twinkling of an eye. It will take time to develop that system here as it is in Great Britain. Indeed, it is said by officers of the Department of Justice that as far back as the year 1890 ~~xxx~~ the very system which was adopted in Great Britain was considered in this country and partly adopted. Plans were drawn and laid before parliament for the adoption of such a system, and some money was spent at that time, but the matter was allowed to rest; it never was proceeded with. But in England it is said that they adopted the very plan which we had discussed in the parliament of Canada. They brought them to maturity, and they have been operated in Great Britain with very excellent results.

In any comparison of convictions in Great Britain with convictions in the Dominion of Canada, no true idea of the conditions in the two countries can be formed unless one excluded what we call convictions under the provincial liquor laws. These in Canada are

July 27, 1931. (cont'd.)

Mr. Guthrie:

exceedingly numerous, while in Great Britain they have different provincial enactments with respect to the use of intoxicating liquor. In England they have one, broad, general, very liberal law, and the convictions for breach of their law are rare, while in this country convictions for breach of our liquor laws make up a very large proportion of the records of our convictions.

Unfortunately the penitentiary population in Canada has increased. It is now somewhere between 3,800 and 4,000. It has increased in the past three or four years so rapidly that we are experiencing the greatest difficulty in accommodating those who have been sent to our penal institutions, but it is not correct to say that in this country we have not drawn the line between the juvenile offender and the more hardened offender. In, I think, almost all the provinces of Canada we have prisons and reformatories under the jurisdiction of the provincial governments for the treatment of juvenile offenders. Under the laws of this country, under the laws passed by this parliament, a juvenile offender is a boy or girl up to the age of sixteen. They do not go to our penitentiaries. They go to our prisons and reformatories.

Mr. Woodsworth: What about these young people between twenty and twenty-five years of age, who form such a large proportion of the penitentiary inmates?

Mr. Guthrie: Over the age of sixteen they are not, under the statute, considered juvenile delinquents. We have a limited number in our penitentiaries to-day between the ages of sixteen and eighteen. I had the figures prepared to submit to the house when the penitentiary estimates were under discussion, but I do not happen to have them with me to-night. It is a very small number between the ages of sixteen and eighteen, but between the ages of eighteen and

July 27, 1931. (cont'd.) 300

Mr. Guthrie:

and twenty-five the number is considerably larger. But as between the first offender and the hardened criminal a very great effort has been made to draw a very decided line. It is for that reason and in carrying out that policy, that certain prisons are being established, and I hope in the future they may be established throughout Canada, called "preferred class" penitentiaries. I do not know that there should be any preference at all in regard to such a matter, but in some way or tother the term "preferred class" has grown up, and you will see in the various reports in years gone by from the superintendent of the penitentiaries how strongly he has urged that preferred class penitentiaries should be established. The recommendation of the year before last, I think it was, for a vote of money to erect buildings at Kingston and at St. Vincent de Paul in the province of Quebec was for the express purpose of providing preferred class penitentiaries--not for juvenile delinquents at all. I note that in the discussion which took place in this house something was said in regard to juvenile delinquents, but that was not the purpose of the vote. Juvenile delinquents, I say, are looked after for the most part in provincial prisons and reformatories. These preferred class penitentiaries are for first offenders, for men who have not theretofore had a criminal record at all. The idea is to segregate them from the old offender. I grant you that the influence of prison life, where first offenders are congregated day after day and night after night, year after year, with old offenders, is in a great many cases very baleful indeed, and I think it was a step in the right direction when something practical was done to establish the preferred class penitentiary, call it by what name you like.

The criticism which was levelled some six weeks or two

July 27, 1931.

Mr. Guthrie:

months ago with regard to the treatment of some men in the preferred class penitentiary was entirely unjust. It was said that certain brokers were down at the preferred class penitentiary at Kingston. That is so in the case of their men not brokers only, who are first offenders. Anyone else who goes there is a first offender who has not been convicted of one of the more serious crimes of violence. The prison is now under construction. It is being built entirely by prison labour. Naturally the construction is slow. Men have to be trained as carpenters, stone masons, bricklayers and mechanics in the various trades. In the preferred class penitentiary the hours of labour are precisely the same as in the other penitentiary, the clothes are precisely the same, the prison rations are precisely the same, the hours during which the patient or prisoner is locked up are precisely the same--the treatment in every respect is identical, although as yet the prisoners are not confined behind high stone walls but merely behind barbed wire fences. The idea in the establishment of that prison is to give the inmates a chance if possible to reform, to keep them away from the bad influence of hardened criminals. Two of these preferred class penitentiaries have been established. One institution which might be in that class is the Ontario reformatory at Guelph, which has done excellent work. It is a provincial prison. Around it there are neither stone walls nor fences. Gangs of men may be seen working on the farm. Of course there are guards in attendance, but the men are allowed a certain amount of recreation while in that institution. In a great many instances I believe positive reforms have been made and men have been saved from careers of crime. That is the first of the large prisons established in Canada based upon reformatory principles.

The preferred class penitentiary follows as closely the

July 27, 1931. (cont'd.)

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Mr. Guthrie:

as possible the model of the reformatory at Guelph. Conditions are the same in many respects, but segregation is complete. First offenders sent to Kingston to-day, except in cases where crimes have been accompanied by violence--because as yet we cannot trust such prisoners--are placed in the preferred class. Although at the present time there is not room to accommodate all of them about 200 or 250 are in the preferred class prison. Another institution of the kind is being established at St. Vincent de Paul, Montreal. I hope when we are in a position to make the necessary expenditures similar preferred class prisons will be established throughout all the provinces.

I do not wish further to discuss this matter. I agree that the matters to which my hon. friend referred are serious and I should like to offer some practical suggestions concerning the points he raised. I think however that in this country we are proceeding along proper lines and if we do not stand first in the number and treatment of our criminal classes I believe we stand second to Great Britain and ahead of every other country in the world. Perhaps some day we will in that regard be upon as high a plane as is the mother country.

Mr. A. E. Ross (Kingston City): Mr. Speaker, I do not intend to say very much to-night, because I am not prepared, but I believe the subject under consideration is worthy of the attention of hon. members. For some years I have been interested in the subject before us, especially from the point of view of juveniles. I think a mistake was made in allowing police magistrates to sentence to penitentiaries. They have not the experience or judgment to qualify them to make such decisions.

I have one example in mind which I think worthy of mention and to which I shall make further reference when we are dealing with the subject of penitentiaries. I refer to a young boy who

July 27, 1931. (cont'd.)

Mr. Ross:

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enlisted for overseas service as a result of which at the age of seventeen years, he was taken from his home. At the close of the war he was rooming above a grocery store and took two tins of paork and beans. A few mornings later the police magistrate, not being in his right mind, sentenced the boy to three years in the penitentiary. Before we could get the boy out of prison he had spent two weeks in Kingston penitentiary on a bench beside a lifer. Although we were told repeatedly that boys were not placed beside lifers, I know in this particular instance the reverse was the fact. This should make plain the necessity for some consideration of the matter before us. I do not agree with the information the Minister of Justice has received concerning preferred class penitentiaries. I think the term "preferred class penitentiaries" will damn us all. It is said that this particular type of institution is for first offenders, but if it is supposed that only first offenders are admitted, somebody is badly mistaken, because I am in a position to state that at the present time there are other than first offenders in the institution.

I am not particularly concerned with the statements which have been made concerning the preferred class penitentiaries. I do not care how much comfort and ease the brokers have experienced, and so far as I am concerned they may be given more. In my view it is a mistake, however, that those men should have been picked out, some of whom had been only twenty-six days at the penitentiary and some only seven days when they were transferred, while on the other hand boys, first offenders, are still in the big prison. I am not concerned about the brokers, but I am opposed to naming the institution "preferred class penitentiary," and believe that such action will get some people into trouble.

Mr. Ross:

There are further matters with which I intend to deal when we come to the matter of penitentiaries. For the present, however, I wish only to say that I am not convinced that the Minister of Justice has been correctly informed concerning the existing situation.

Mr. James Arthurs: Mr. Speaker, earlier in the session I placed a motion on the order paper asking that a board be appointed to examine all sentences pronounced for offences under dominion statutes with power to revise either by appeal or otherwise. Unfortunately when the matter came before the house shortly after eight o'clock I was not in my seat and the motion was dropped. I have had a great number of letters and large quantities of correspondence in the matter. I have had considerable experience in dealing with criminals and I believe there should be some check upon sentences imposed, especially by police magistrates whose environments and sympathies are purely local.

Before I proceed further I should like to give an example of the administration of justice in the county from which I come. A few years ago a foreigner ran amuck through the town and smashed twenty-one windows with an iron bar. We was arrested and charged with wilful damage to property, and sentenced to serve two years for each window that he had broken--forty-two years in the penitentiary. Evidently the magistrate intended the two-yearx terms to run concurrently, but once having delivered judgement, he insisted that it was correct. We have had cases in Ontario--largely automobile accident cases--wherethrough the sympathy of the local judge and magistrate the accused was let off on suspended sentence. A young man in my riding was convicted of stealing a fox from a fox farm. For this offence the extreme penalty is two years' imprisonment--and he got it. It was pointed out, and rightly I think, that this

July 27, 1931. (cont'd.)

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Mr. Arthurs:

young fellow had had no previous convictions against him, that he was drunk at the time and in the company of criminals who no doubt had induced him to commit the theft. It took me a year and a half to get a remission of the sentence. Why? Because in this, as in every such case, remission of the sentence depends upon the magistrate reversing his original judgment, and it is naturally to be expected that our magistrates being just human and having no legal training will be disinclined to stultify themselves.

I do not desire to labour the matter further, but I would impress upon the government that a board should be appointed to whom such appeals could be made. I know I shall be told by the Minister of Justice that the persons convicted are at liberty to engage a lawyer to appeal their conviction, but many of these criminals, especially the young men, have no means, and therefore cannot possibly engage legal assistance to lodge an appeal. I submit there should be a body appointed to whom these cases could be appealed without any costs to the unfortunate appellants.

Miss Agnes Macphail: It shows how little we can hear, and how bad the acoustics are, when I say that I did not know that the hon. member for Bonaventure (Mr. Marcil) and the hon. member for York-Sunbury (Mr. Hanson), who followed him were discussing something altogether different from the matter introduced by the hon. member for Winnipeg North Centre (Mr. Woodsworth). Since I could not hear one word that either of them said, I shall now proceed to say something on the subject of crimes and criminals. Before I go on to do so, however, may I suggest that we need not only an improvement in the acoustics of the chamber but a training school in voice culture. The least we can expect is to hear what is being said.

It seems to me that in this time of wide-spread unemployment,

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Miss Macphail:

the sentencing of those who have committed offences is something that should be done with great care. We know only too well that many people who commit the gravest crimes against society are not condemned but rather applauded. On the North American continent the strange custom prevails of honoring most the most unsocial of citizens; they are given the places of trust, all the fine things fall to their lot, and in fact the laurel wreath of victory is placed upon their brows. It therefore makes me sympathetic with men and women who in these days are often driven by hunger and despair to do what otherwise they would not dream of doing. I think it is particularly fitting that the hon. member for Winnipeg North Centre should bring this matter up.

Many years ago, when the Right Hon. Mr. Doherty was Minister of Justice, a splendid commission was appointed and it brought in recommendations which if acted upon would have resulted in the improvement of our treatment of criminals. But those recommendations have not been acted upon, and so our whole penal system has suffered.

In Great Britain they have been remarkable successful in their treatment of criminals. There are three things in which they have gone much further than we. First, in regard to probation, many are given suspended sentence; second the man or woman is given a chance to pay the fine in instalments. Now that we have the instalment plan in nearly everything there is no reason why it should not be applied to the payment of fines. Then, too, they carry on a more extensive parole system, particularly in regard to young offenders. This something which we might well follow the lead given by Great Britain.

In case I should not be here when the estimates come down--

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Miss Macphail:

because it is often difficult to be in the house when particular estimates are in committee--I wish to say now what I think is most needed at the moment in our Canadian penitentiaries. Possibly more than anything else we need a citizens' board of reestablishment. That need not be the name, but we do need a body of responsible citizens to whom prisoners can go, and who will help them in a human way to become reestablished in life. I am sure we could get people of splendid mental attainments and fine character to take part in such work as this. Very often the prisoner becomes utterly discouraged during the first week in which he or she is free, and this feeling might be overcome.

We need wardens who are trained in penology. While some wardens have been good warden, many have been political appointees. They are appointed not because they are trained in penology, but because they happen to be the brother, the cousin or the brother-in-law of some person in authority. At times these appointments turn out rather badly.

We need that to which this house agreed to some time ago but which had not been carried out, the providing of productive work for prisoners. This work would be paid for, and the pay to go to the support of their dependents, if any, and, if there are no dependents, to be held for the use of the prisoners when released. Of course, the cost of maintenance would be first deducted.

Mr. Arthurs: We should provide first for the men out of prison.

Miss Macphail: I do not see why a man should be prevented from working simply because he has committed a crime. Certainly I do not see the men out of prison having work, but by adopting the method of productive work with pay for prisoners, maintenance would cost the state less and the men would be better off if they had plenty of

July 27, 1931. (cont'd.)

Miss Macphail:

work to do. Social workers will tell those interested that one of the disastrous things which happens after a man has served a long term is the fact that he will not again assume the responsibilities of his family upon release. This would be prevented to a large extent if the man had to consider these responsibilities while in prison.

The library facilities in our penitentiaries could be improved. They are much better than they were previously, but the lighting in the cells is not good. If a prisoner wants to be studious he should not be forced to carry on his studies under the worst possible light, with a danger of eye strain.

FEBRUARY 11, 1932.ECONOMIC RESEARCH.

Mr. Woodsworth: In this connection I might mention a visit I paid to one of the gaols. In this country we dare not let the prisoners produce for the public market lest forced labour compete with free labour; in Russia they pay wages to their prisoners and what they produce is sent into the ordinary commercial channels. Under their system the more that is produced in any one department, the better it is for the community at large. In this country, if we produce too much we get into difficulties. We have more wheat in our western granaries to-day than we had a year ago; we do not know what to do with it, we cannot market it and yet people who are hungry are unable to eat.

It may be true that Russia is behind in production but it must be remembered that they started at the bottom. They did not have very much to begin with, they did not have a productive machine and so they were short of commodities. But to the extent that they are able to produce, they are distributing commodities to the people. So there do not arise many of the difficulties which we have here such as so-called over-production. Quite naturally some of the members who have not thoroughly studied these things may think they have those difficulties in Russia, but that is not the case.

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MARCH 3, 1932.

CANADIAN RED CROSS--PENITENTIARY-MADE BOOTS.

MR. VALLANCE:

1. Were any boots supplied by Kingston or any other penitentiary in Canada to the Saskatchewan Relief Commission, or to the Canadian Red Cross Society, Saskatchewan section, between September 30, 1930, and February 1, 1932?
2. If so, how many pairs, and at what price?

Mr. Gordon:

1. Yes, to the Canadian Red Cross Society at Regina, Saskatchewan.
2. One thousand pairs free of charge.

(pp 746.)

MARCH 7, 1932.

DORCHESTER PENITENTIARY--WARDEN.

MR. WOODSWORTH:

1. What was the cost of the residence built for the warden of Dorchester penitentiary?
2. What was the cost of the residence built for the deputy Warden?
3. What salary does the warden receive?
4. What extra allowance does the warden receive?
5. With how many cars is the warden provided for his personal use?
6. What is the cost each of the houses now being built for the staff?
7. What was the original cost, and what is the operating cost per month of the heating plant?
8. What was the original cost, and what is the operating cost per month of the electric plant?
9. What sums have been paid to Mr. T. Edwin Oulton or his wife for sand and gravel?
10. Who owns the farm from which this sand and gravel is taken?

Mr. Guthrie:

1. \$22,241.93.
2. \$22,241.93.

(Note re answers 1 and 2, as above:) The two houses were constructed at one and the same time, both being identical, and cost divided between the two on completion.

3. \$3,540 cash per annum.
4. Perquisites valued at \$840 per annum, which include house, light, heat, water and uniforms.
5. One only for official business.
6. 5 new single houses completed at cost of \$10,126.15 each;
1 double tenement completed; 2 double tenements completed outside only, and foundation built for another at total cost of \$28,098.79, to date.

7. Original cost of heating plant was included with shop buildings thirty-seven years ago and probably cost less than \$5,000.

The system of central heating is adopted and the average cost for the last three months of winter was \$1,787.39, including the heating of the whole prison and buildings attached thereto. In

March 7, 1932. (cont'd.)

Mr. Guthrie:

summer steam heat is only require for cooking.

8. Cost of electric plant, \$8,041.

Electric plant not operated since February, 1929. Current has since been purchased from New Brunswick Electric Power Commission under contract.

9. \$19,107.13, has been paid to Mrs. Oulton during a period of seven years.

10. Manford Duck owns sand rights which are leased to Mrs. Oulton.

(pp 847)

March 10, 1932.

ST. VINCENT DE PAUL PENITENTIARY.

MR. DESLAURIERS:

1. How many persons are at present detained in the St. Vincent de Paul penitentiary?
2. Does the government intend to increase the staff of guards for the public safety during the summer months?
3. Are the penitentiary employees under the eight-day regime?
4. If not, what are the reasons for not adopting the eight-hour day regime in such institutions?

MR. GUTHRIE:

1. 1,068 as on February 29, 1932.

2. Staff is always increased as the needs of the institution require, and safety to the public demands. A seasonal increase is always necessary for work in summer. Total number of officers as on February 29, 1932:

Permanent.....	119
Temporary.....	55
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3. No.

4. This has been discussed on many occasions and it has not been found possible to adopt. Winter hours are shorter than summer hours. Penitentiary Act, Sec. 62 (2) calls for a least ten hours hard labour. The eight-hour system would call for shifts and change of officers during working hours, thus dividing responsibility. Officers are allowed three weeks' holiday per annum, and one day rest in seven, besides sick leave on full pay.

HOUSE OF COMMONS DEBATES

VOL. 11.

April 7, 1932. SUPPLY-JUSTICE-PENITENTIARIES.

Penitentiaries- amount required for cost of administration, construction, purchase of land, supplies and equipment, maintenance and discharge of inmates at Kingston, St. Vincent de Paul, Dorchester, Manitoba, British Columbia, Saskatchewan and Collins Bay penitentiaries \$2,655,700.

Mr. Bradette: I should like to refer to the case of Fontaine and Lacasse who on account of a miscarriage of justice a few years ago, were sent to a penitentiary. Afterwards it was found that they were innocent. I understand they have made application to the Department of Justice for compensation. To bring the facts clearly before the committee I shall read an article which appeared in the Ottawa Citizen of March 17, 1923:

The Citizen has received a letter from Lionel Fontaine in which he appeals to us again to draw his case to the attention of parliament. This we do in the brief that until some restitution is made a blot will remain on Canada's reputation for impartial justice.

Fontaine is one of the two men (Lacasse is the other) who were charged "identified", and sentenced as the guilty persons in the robbery of an Ottawa milk salesman in Rockcliffe in the fall of 1929. They were given two years and served seven months of that term before their innocence, by an extraordinary turn of events in which the police had no part, was established.

It is now nearly two years since Fontaine and Lacasse were shown to be the victims of a miscarriage of justice. But they have received no redress.

Then the closing paragraph is as follows:

Presuming no steps have been taken to "amend the incident" it is time that something were done. Fontaine asks on behalf of himself and Lacasse for compensation to the amount ~~of~~ he would have earned if gainfully employed during the seven months, the two lay in prison innocently convicted. We respectfully call the attention of the authorities to this request once more and suggest that the compensation be paid.

I think the request is very reasonable because had they been falsely accused by a layman he would have had to make compensation.

Mr. Guthrie: The hon. member is no doubt aware of the fact that while we in this parliament make the criminal law of Canada, the department

April 7, 1932. Cont'd.

of Justice of the government does not administer that law throughout the provinces. The unfortunate prosecution which resulted in the conviction of these two young men was undertaken at the instance of the attorney general's department of the province of Ontario. His officers made the arrest and conducted the prosecution; the federal department of Justice had no part in it whatsoever. Conviction was made after a trial in the province of Ontario and sentence was imposed by a court of that province. The prisoners were ordered to serve their terms in the penitentiary at Kingston. As soon as the true facts were brought to the attention of the former Minister of Justice he recommended that the two young men in question be released. I do not think he had authority to make a payment of money, or to do anything other than he did do-to have the young men released as speedily as possible. This case has been before me at least half a dozen times and in each instance I have informed the applicants that if they have any redress they must seek it from the legislature of Ontario, in which province the prosecution was instituted. It is one of those unfortunate miscarriages of justice that sometimes take place, but I cannot see that the federal department is in any way responsible for it.

Mr. Bradette: The Minister of Justice has said an injustice was done to these men. Naturally the Canadian people will think they are entitled to compensation. So far as I can learn, no application has been made to the provincial legislature. It would seem that pressure should be brought upon the provincial authorities by the federal government so that this anomaly may be remedied. From the article appearing in the Citizen one would conclude that these young men think they should receive compensation from federal authorities.

April 7, 1932, Cont'd.

Mr. Guthrie: They have no reason to think that because ever since they were liberated they have been informed definitely and on many occasions that any claim to compensation or indemnity they may have should be lodged with the Ontario legislature. They know that; I do not know whether or not they have made application there.

Mr. MacKenzie King: I have learned there is to be some reorganization in connection with the personnel of the penitentiary at Kingston.

Is the minister in a position to make a statement in that connection?

Mr. Guthrie: Yes; reorganization is contemplated. We have two penitentiaries at Kingston. One of them is in course of construction and has hitherto been referred to as the preferred class penitentiary. The name has been changed and it is now known as the Collins Bay penitentiary. That institution was controlled by an acting warden who had never been appointed to the wardenship. Formerly he had been an inspector on the penitentiary staff, and he has now returned to his duties as inspector at Ottawa. Another member of the staff named Allen who was chief engineer has been appointed warden of the Collins Bay penitentiary. Warden Ponsford of Kingston penitentiary has retired. The position is now vacant. There is an acting warden in ~~in~~ that penitentiary a man who has been for a long time on the penitentiary staff, but the appointment will be filled by the civil service Commission. The advertisement for that position has recently been current and I think applications are all in and are now under consideration. I do not know what the determination of the commission will be in that respect. There is also another change through the retirement of General Hughes, who for many years was superintendent of penitentiaries. That position is likewise vacant and an advertisement is current by the Civil Service Commission to fill it.

April 7, 1929 Cont'd.

Mr. Reid: Has the minister any information regarding a criminal by the name of Bagley? He escaped from Oakalla provincial prison some time ago. It is said he was sentenced to a ten-year term at New-Westminster penitentiary and was released after serving only five years. Later he was picked up by the provincial police and put in the provincial prison at Oakalla. He is now advertised as a very desperate criminal who boasts that he will not be taken alive.

Mr. Guthrie : I think I have some information with regard to the case. This man Bagley or Brown-I think Brown is his correct name-was implicated with three others in an armed robbery some six or seven years ago. They were convicted and received fairly long terms in the penitentiary. Brown or Bagley was sentenced to ten years and twenty lashes. His three companions in crime were released in 1928 and 1929. Brown was not released at that time. He did receive the lashes that were imposed and has served with remission-because remission is allowed for good conduct-six and a half years of his term. In November 1930, he was released for deportation to the United States being an American citizen. He was deported. Subsequently he seems to have again come to Canada in some way or other and committed a further crime for which he was placed in the provincial prison at Oakalla, British Columbia. From that prison he escaped and has since been guilty of some other serious depredation, I do not know exactly of what nature. I believe at the moment his whereabouts are not known, but I understand he is regarded as a dangerous criminal.

Mr. Reid: Is the position of warden at New Westminster penitentiary being filled?

Mr. Guthrie: No that also is awaiting action by the Civil Service Commission. The warden at New Westminster resigned to take the position of chief of police of the city of Vancouver.

April 7, 1932. Cont'd.

Mr. MacKenzie King: How does the Civil Service Commission go about filling the position of warden of a penitentiary?

Mr. Guthrie: I must say quite freely that I have not been consulted about it either directly or indirectly by any member of the commission.

Mr. MacKenzie King: Have any of them ever been in a penitentiary themselves?

Mr. Guthrie: I cannot say as to that, but I understand that they selected a committee and placed the applications before the committee to deal with. I know of one case-and I fancy that my right hon. friend the leader of the opposition will recall it where the Civil Service Commission made an appointment some years ago and actually brought the man from Nova Scotia to fill it, but when he got here they reconsidered the matter and told him he could not have the position, and appointed another man. But I do not know the modus operandi adopted by the Civil Service Commission in regard to these appointments, more than the fact that they advertise the vacancies.

Mr. Gershaw: A few years ago a resolution was discussed in this house regarding the advisability of providing work for inmates of penitentiaries with a view to supporting their families. Has anything along that line been considered?

Mr. Guthrie: Nothing along that line has ever been adopted. I do not think anything of the kind is in force in any prison in the British Empire. I believe in some prisons in the United States something is done in this way, the inmates being paid at the rate of about ten cents a day.

Item agreed to.

HOUSE OF COMMONS DEBATES, VOL 1, 1932-33.OCTOBER 14, 1932.MR. M. F. GALLAGHER.

MR. BARRETTE:

1. How many years has Mr. M. F. Gallagher, chief of the pardon service, been in the employ of the Department of Justice?
2. By whom was he recommended?
3. What is his salary?
4. During the years 1930, 1931, and 1932, has Mr. Gallagher taken any holidays?
5. During said years, has Mr. Gallagher visited the penitentiaries of Canada at the expense of the department?
6. If so, what were the expenses of each inspection per year?

Mr. Guthrie:

1. Fifteen (15) years.
 2. The late Right Hon. C. J. Doherty.
 3. \$5,940.
 4. Yes.
 5. In 1930, no. In that year the inmates of penitentiaries were interviewed for clemency purposes by the dominion parole officer, now superannuated, whose functions have been transferred to the remission service. In 1931 and 1932, Yes.
 6. 1930, nil; 1931, \$444.72; 1932, \$695.15.
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October 16, 1932.

ST. VINCENT DE PAUL PENITENTIARY DOCTORS.

MR. BARRETTE:

1. What are the names of the doctors who are in charge at the St. Vincent de Paul penitentiary?
2. What are the dates of their appointments?
3. What are their respective salaries?
4. By whom were they recommended?

Mr. Guthrie:

1. Doctor L. F. Lavigne, Doctor E. Coron.
2. Doctor L. F. Lavigne, January 13, 1930; Doctor E. Coron, December 18, 1930 (temporary capacity).
3. Doctor L. F. Lavigne, \$2,640; Doctor E. Coron, \$125 per month when employed.
4. Doctor L. F. Lavigne, recommended and appointed by Civil Service Commission; Doctor E. Coron, casual employment authorized upon recommendation of Minister of Justice.

OCTOBER 19, 1932.PORTSMOUTH PENITENTIARY.STATEMENT BY MINISTER OF JUSTICE CONCERNING DISTURBANCES IN
INSTITUTION.

Mr. A. E. Ross (Kingston City):

Mr. Speaker, before the orders of the day are called I should like to ask a question of Minister of Justice (Mr. Guthrie). For the last twenty-four hours we have heard reports as to unusual occurrences in Portsmouth penitentiary. I should like to know from the minister if it is too early to give a report as the cause of the disturbances. If it is not too early I should like to have his statement in the matter.

Hon. Hugh Guthrie (Minister of Justice):

Mr. Speaker, the hon. member for Kingston was kind enough to let me know a short time ago that he purposed asking this question, concerning the rather serious disturbances which took place at Kingston the day before yesterday, and I have the necessary paper before me. From the reports I have received from the warden and also from General Ormond, superintendent of penitentiaries, I am now in a position to furnish some information on the subject.

It appears that as far back as last Thursday afternoon some of the prisoners who were working in the quarries quit work suddenly, and three of the men who were considered to be the leaders in their action were immediately placed in their cells. On Thursday night some disturbances took place in one of the corridors where the cells are located, and ~~thence~~ demands were made upon the guards that the three men who had been taken into custody in the afternoon should be released. However, nothing more developed on that night. Friday, Saturday and Sunday were

OCTOBER 19, 1932. (cont'd.)

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Mr. Guthrie:

uneventful days; all was quiet. On Monday afternoon, however, a rather serious outbreak occurred on the part of probably 300 of the 900 prisoners confined in the institution. So far as the warden and superintendent have been able to learn up to the present time the only grievance of which the prisoners had complained, and which led to the riot or disturbance, was in regard to the issue of tobacco. According to regulation tobacco rations, and also pipes are issued to the prisoners. Many of them are cigarette smokers who do not smoke pipes, and they complained that they were not allowed cigarette papers with which to make cigarettes. This seemed to have constituted the main grievance. Another grievance of which they complained was that they were not given sufficient hours for recreation, and in one instance a complaint was made by a prisoner that the daily newspapers were not permitted in the penitentiary. These seem to have been the only complaints that were made to the warden, which have so far come to my notice. I have had telephonic communication with General Ormond, the superintendent, and he has not given me any different version in regard to the complaints, or causes of trouble. As far as I am aware these are the only complaints that have been made known. General Ormond is now in charge of the situation at Kingston and as recently as noon today reported that matters are quiet, although he did say that some of the inmates evinced a rather sullen disposition, but he thought that he was properly prepared for anything that might develop. He proposes at once to open a formal inquiry in regard to the whole situation. I understand that inquiry will open either this afternoon or tomorrow morning. The inquiry will be full and searching.

Mr. Guthrie:

I know--and I am glad of this opportunity to mention this point--that in the newspapers it is alleged very generally that there are other causes of grievance and complaint among the prisoners beyond those which I have stated. I know that it is said in some newspapers that dissatisfaction exists in the penitentiary on account of the release of certain prisoners on parole, referred to in the newspapers as the "broker cases." I would like to point out this fact to the house, that the clemency or remission branch of the Department of Justice is now, and under all governments has been, a branch which is carried on as completely confidential. Clemency is the exercise of a prerogative of the crown, possibly the last of the royal prerogatives to survive. It is not exercised by His Excellency the Governor General by order in council or upon the recommendation of the Minister of Justice or of the Solicitor General. In the present instance in regard to the broker cases particularly, all the recommendations were made by me, as the Solicitor General was not present in Canada at the time when these brokers were released. It has been stated in a number of newspapers that the effect of the release of the brokers had something to do with the recent disturbance. I am not inclined to give much credence to such statements. In the first place let me tell the house that all, or nearly all, of the prisoners in our penal institutions are pretty familiar with the law and practice in regard to the administration of the Ticket of Leave Act. We have a statute on our statute books which provides the Governor General may grant a ticket of leave to any prisoner upon the recommendation of the Minister of Justice or the Solicitor General, and upon such conditions as he sees fit to impose. The effect of a ticket of leave is to permit a prisoner to serve the remainder of his sentence outside prison walls.

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OCTOBER 19, 1932. (cont'd.)

Mr. Guthrie:

He is not free, he is still technically in custody, and he must comply with all the conditions of his ticket of leave, one of which is that he shall periodically report to a magistrate or chief of police as to his occupation and whereabouts, and if the prisoner, while at large, fails to comply with any condition, or is guilty of any lapse in conduct, he can be immediately restored to the penitentiary to serve the remainder of his original term without any further trial.

It is also well known among prisoners--as I gather from letters which come to me daily from prisoners themselves--that there is an established rule or practice in the remission branch of the Department of Justice in regard to the administration of the Ticket of Leave Act. I will state generally what that practice is. I am not permitted by established rule of the department to go into details or make public records or furnish particulars in regard to individual cases of prisoners. That information is not even furnished to the House of Commons. But I may state generally the rule which prevails. Where a prisoner is a first offender, and has not been found guilty of a crime involving violence or an attack upon women or a crime which may be described as a bestial crime, such as incest and where the conduct of the prisoner while in prison has been satisfactory, where there is no adverse report by the trial judge or magistrate--because in every instance these reports are obtained, then the prisoner will be granted a parole when he has served approximately half his term of imprisonment. He is then allowed, upon the conditions endorsed upon his ticket of leave, to serve the remainder of his term outside of prison walls.

Mr. Guthrie:

This rule does of course admit of some exceptions, because there are cases where further confinement may endanger a man's life, or a serious operation or the like may have to be performed. These are considerations to which we must have regard. But the general rule and practice is as I have stated; no matter what the offence, except those special offences I have mentioned any prisoner of whatever class who is serving a term for a first offence, not for a crime of violence, and whose conduct has been good and is so reported by the warden, may expect favourable consideration on an application for clemency when he has put in half his term. And in computing the half term if the prisoners' conduct has been good he is allowed six days a month for good conduct by way of remission.

This rule has been applied in the brokers' cases. They were treated precisely as other criminals. When they served half their term, if they were first offenders they were granted ticket of leave upon the condition that they should report to magistrates or police officers as required, and if in future their conduct continues good to the end of the term for which they were originally sentenced they will not be called upon to serve any further sentence in a penal institution on that sentence.

There is one thing further, lest I be tripped up by some newspaper, perhaps I should mention it too. In the case of one of the ten brokers, it transpired that as he was unable to obtain bail he was imprisoned between three and four months in the Toronto gaol before he was tried. That often happens in the administration of our criminal law, poor men are often unable to obtain bail. Many judges take such a circumstance into consideration and when passing sentence, and allow the sentence to date

OCTOBER 19, 1932. (cont'd.)

Mr. Guthrie

from the original imprisonment. Not so in the case of this particular broker. But in computing this actual term of imprisonment I counted the three months served prior to conviction, and when he had served half his term with remission earned he received a ticket of leave. All the brokers were treated in the same manner, and all first offenders not guilty of crimes of violence, whose prison~~xx~~ conduct has been good, and who have not been adversely reported upon by trial judges or magistrates, are treated in the way I have indicated.

This rule or practice is known pretty generally among prisoners in the various penitentiaries. Daily I receive communications from prisoners written on prison~~xx~~ paper, telling me their term is half up and their offence is a first one, and conduct good, and requesting that I should deal at once with their case.

I will say this also, that every application--and there are thousands of them in a year --every application from a prisoner himself whether on a postcard or gaol paper I receive just the same consideration from the remission branch as ~~do~~ applications which very often come to the department backed by eminent lawyers, members of parliament or influential friends. The same treatment is given exactly to the application of the prisoner himself. He does not need to employ counsel, he does not need to enlist the sympathy of influential friends. If he can comply with the conditions I have stated his application for clemency will be fairly and favourably dealt with.

So it has been in the case of the brokers. There are some still in custody who received longer terms of sentence, and who have not yet served half their terms. There were also one or two who could not be called first offenders, who have not been

October 19, 1932. (cont'd.)

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Mr. Guthrie:

dealt with up to the present time. In addition to the ten who have been liberated two others in Ontario were freed for the purpose of deportation to the United States, and they have been deported.

I make this statement because I do not believe that the fact that these brokers were treated in the way I have described-- just as a pickpocket would be treated if he were a first offender-- had anything to do with the disturbance which recently took place in the Kingston penitentiary. A further reason for making this statement is the charge that has been flagrantly made in Canadian newspapers, and the rules of the department forbid my entering into a newspaper controversy on such a subject. I am there to advise His Excellency in regard to the royal prerogative as to clemency, and the procedure in such cases is considered absolutely secret and sacred in the department.

Hon. Ernest Lapointe: May I ask who is the prison warden at the Kingston penitentiary, and when he took charge?

Mr. Guthrie: There is no definitely appointed warden of the institution. On the retirement of Warden Ponsford last spring the Civil Service Commission was asked to appoint a new warden. One has not been appointed as yet, I am sorry to say, but Mr. Gilbert Smith, an inspector from Ottawa and an officer who has had wide experience in penitentiary work, was placed in charge as acting warden until the Civil Service Commission could make a selection. I believe the advertisement for a warden is current at the present time. An examination was held some time last July but it was not considered that the applicants were suitable and a new advertisement was issued. The matter is in the hand of the Civil Service Commission and I am not directly consulted with regard to the personnel. However, I notified the commission today to hurry up the

OCTOBER 19, 1932. (cont'd.)

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Mr. Guthrie:

appointment, and in the meantime Inspector Smith, who I believe to be a very capable officer, is in charge as acting warden.

OCTOBER 24, 1932

PORTSMOUTH PENITENTIARY.

(pp 474)

FURTHER STATEMENT BY MINISTER OF JUSTICE CONCERNING DISTURBANCES
IN INSTITUTION.

Hon. Hugh Guthrie: Mr. Speaker, I think I should make a statement as to the situation which exists at the moment in Kingston penitentiary. At noon to-day I received a report from General Ormond, superintendent of penitentiaries who is in charge of the situation, to the effect that all is now quiet. All the prisoners are confined and are being regularly fed in their cells. Some loud speeches are being made by prisoners and there is considerable shouting and cheering, but apart from this there is no difficulty. It came to my knowledge that ear bombs had been used at the penitentiary and upon inquiry I find that on Saturday, when there was considerable noise, one tear bomb was exploded for the purpose of quelling the disturbance. I do not know whether or not it had that effect but certain it is that it had no ill effects and caused no damage. The military guard has also been reduced from 150 to 50 men.

Inspector Smith, who has been acting warden at the institution, has been granted leave of absence along with the deputy warden. Both these men have been on continuous duty for the past nine days and are pretty well fagged out. The superintendent has made a temporary appointment of a warden under the provisions of section 39 of the Civil Service Act. Colonel Megloughlin of Ottawa, until recently in command of the highland regiment in this city and an officer with a very fine war record, has been selected for this position. I do not know the gentleman personally but I understand he is thoroughly qualified. In any event he has been selected by the superintendent as temporary warden and under the provisions of the act can carry on for thirty days.

OCTOBER 24, 1932. (cont'd.)

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Mr. Guthrie:

The report on the damage done is that it will run from \$3,500 to \$4,00. This damage consists aminly of broken furniture, beds and tables and the destruction of plumbing and the like. There have been three casualities but the physician in charge states that only one was injured by rifle fire; the other two were injured in the scuffle which took place, but all casualties are slight. This is the situation as it existed at twelve o'clock to-day.

OCTOBER 25, 1932.

MR. BARRETTE:

1. Who authorized Mr. Gallagher to visit the penitentiaries in 1931 and 1932?
2. Previous to the appointment of Mr. Gallagher in 1931, what was the name of the person who inspected the penitentiaries of this country?
3. What were the expenses of this inspection?
4. In 1931 and 1932, did Mr. Gallagher carry on the inspection alone or had he a secretary?
5. In either one or the other case, what was the detail account of each inspection?

Mr. Guthrie:

1. The Minister of Justice.
2. Mr. Gallagher was not appointed to inspect the penitentiaries. His visits to these institutions were in his capacity of parole officer.
3. Answered by No. 5.
4. No secretary accompanied him on these visits.
5. 1931--Transportation \$156.20; living expenses, \$262.62; sundries, \$25.90. 1932--Transportation, 122.65; living expenses, 572.50; sundries, none.

(pp 521)

HOUSE OF COMMONS DEBATES, VOL. 1, 1932-33.OCTOBER 27, 1932.PORTSMOUTH PENITENTIARY.

Mr. S. W. Jacobs (Cartier): Mr. Speaker, I should like to ask the Minister of Justice (Mr. Guthrie) when it is proposed to appoint a permanent warden for Kingston penitentiary?

Hon. Hugh Guthrie: Mr. Speaker, advertisement by the Civil Service Commission is now current, and applications are to be received until November 5 next. After that time I assume a selection will be made.

(pp 603)

HOUSE OF COMMONS DEBATES, VOL. 1, 1932-33.OCTOBER 28, 1932.PORTSMOUTH PENITENTIARY.

Mr. Samuel Factor: May I ask the Minister of Justice (Mr. Guthrie) if the government intends to hold a public inquiry into the recent riots at Portsmouth penitentiary?

Hon. Hugh Guthrie: Mr. Speaker, the government has no intention of holding a public inquiry. There is an inquiry going on now, conducted by the superintendent of penitentiaries. As soon as that is concluded, if any action is necessary it will be taken. But up to the present time I have not got the superintendent's first report.

(pp 645)

NOVEMBER 4, 1932.

ST VINCENT DE PAUL PENITENTIARY.

Mr. J. A. Mercier (Laurier-Outremont): Mr. Speaker, I should like to inquire of the Minister of Justice (Mr. Guthrie) if there is any truth in the rumour that a fire has occurred at the St. Vincent de Paul penitentiary at Montreal?

Hon Hugh Buthrie: (Minister of Justice): Mr. Speaker, it is true that a disturbance took place in one of the branches of the St. Vincent de Paul penitentiary at about eleven o'clock this morning. Fifteen inmates were at work in the tailor shop and three guards were in attendance when the trouble started. The ringleader of the prisoners is said to be a man named Crossley. The building was set on fire by the prisoners and when the guards attempted to turn out the hose to extinguish the fire, the hose was cut by the prisoners. The doors of the shop were shut by the prisoners and immediately a serious condition arose. The last report I have had upon the matter came in at about one or two o'clock. The warden states that all prisoners are now under control and locked in their cells. No fatalities have occurred. Three guards have been injured, one by assault made by Crossley, another named Jacques is rather seriously burned, and another named Forger has also been injured. The warden states that prisoner Crossley has been removed from the burning building, that all prison officials behaved in a most exemplary manner, that the prisoners are now all in their cells and that the injured guards have been taken to the Montreal hospital for treatment.

NOVEMBER 7, 1932.

INQUIRY INTO CAUSES OF DISTURBANCES AT PORTSMOUTH AND ST. VINCENT
DE PAUL PENITENTIARIES.

Mr. E. J. Garland (Bow River): May I ask the government whether it has considered the holding of a public investigation as to the causes underlying the riots in the Kingston and St. Vincent de Paul penitentiaries?

Hon Hugh Guthrie: The question of holding an investigation other than the one which is now taking place at each institution will be decided after authority has been vindicated and order restored. There is an investigation proceeding at each institution now, in the Kingston case by the superintendent of penitentiaries and in the St. Vincent de Paul case by the warden himself. As soon as these are completed, we shall consider the question of my hon. friend.

Mr. Garland: Is it true that there is grave overcrowding in both penitentiaries?

Mr. Guthrie: There was and is now overcrowding at Kingston, but I believe while there is still overcrowding at St. Vincent de Paul, every prisoner is accommodated in a separate cell. In Kingston we have not enough cells for the number of prisoners. The number in the penitentiaries at the present time is abnormal. The penitentiary population of Canada was always considered at about 2,400 or 2,500. It is now in the neighbourhood of 4,500. Consequently our accommodation has been greatly taxed.

NOVEMBER 8, 1932.

PORTSMOUTH PENITENTIARY WARDEN.

Mr. Thomas Reid; I should like to direct a question to the Minister of Justice (Mr. Guthrie). I understand that applications are being received for the position of superintendent or head warden of Portsmouth penitentiary, and that advertisements to this effect are appearing in Ontario papers only. I should like to ask the minister if this is the policy of his department, and whether he would not consider it advisable to call for applications throughout Canada, thus giving men in all parts of the dominion an opportunity to apply for this high position.

Hon Hugh Guthrie: The advertisements in question, calling for applications for the position of warden at Portsmouth penitentiary have appeared, as my hon. friend has stated, with a residential qualification limited to the province of Ontario. It is true that that the Penitentiaries Act provides for the appointment of wardens of penitentiaries generally and that when appointed a warden may be placed in charge of any penitentiary as occasion may require, but there is another provision in the Civil Service Act in regard to the locality from which appointments shall be made, and regard must be had under that act to applicants residing in the vicinity of the institution. I am informed that ever since the Civil Service Act came into operation advertisements have taken this form and have been limited to the province or area in which the penitentiary is located. When such an appointment is made the man is appointed as a warden generally for the whole dominion, though in the first instance the applications are limited in respect of residence to the particular penitentiary district.

Mr. Lapointe: Wardens have been transferred from one penitentiary to another.

NOVEMBER 8, 1932. (cont'd.)

Mr. Guthrie:

Yes, that is the object of the general clause in the act which provided that a man is appointed as a warden generally and can be transferred to any penitentiary as occasion may require.

HOUSE OF COMMONS DEBATES

November 16, 1932

VOL IIPORTSMOUTH PENITENTIARY

Mr. SAMUEL FACTOR (Toronto West Centre): Has the Minister of Justice received the report from the Superintendent of Penitentiaries in connection with the riots in Kingston penitentiary?

Hon. HUGH GUTHRIE (Minister of Justice): The report has not yet come to hand. The investigation is rather a long one, 900 or more prisoners having been asked to make any complaints they have. That part of it is concluded. Now, I believe, the superintendent is examining the officers of the penitentiary and as soon as that is completed, he will make his report.

Right Hon. W.L. MACKENZIE KING (Leader of the Opposition): May I ask the government if they will give to members of the opposition the same opportunity as the Minister of Justice has said is being given to prisoners in the penitentiary, to make any complaints they may have to the government?

Some hon. MEMBERS: Oh, oh.

Mr. GUTHRIE: I think my right hon. friend knows he has that opportunity and will have it on the supplementary estimates when they are before the house. In the supplementary estimates there is a vote for penitentiaries. I cannot commend the attitude of my right hon. friend in his question. It is no joke; it is a very serious matter, and the laughter with which his remarks

PORTSMOUTH PENITENTIARY (Cont'd)

were greeted by the other side of the house, was entirely uncalled for.

Mr. MACKENZIE KING: My remarks were not intended as a joke.

Mr. GUTHRIE: The right hon. gentleman's followers took it as such.

Mr. MACKENZIE KING: It is a very serious matter. We have had no opportunity to voice any complaints on unemployment or anything else.

